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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 19 September 2005 from the Permanent Mission of Pakistan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Pakistan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to his letter dated 18 July 2005, has the honour to transmit the matrix of the Pakistan report on Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 19 September 2005 from the Permanent Mission of Pakistan to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Pakistan**
Date of Report: 27 October 2005

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?	Yes	**If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)**	Remarks
General statement on non-possession of WMD	X	Pakistan is a party to Chemical Weapons Convention as well as the Biological Weapons Convention as a non-possessor state. It does not possess Biological Weapons or Chemical Weapons. Pakistan is a declared Nuclear Weapon State and not a Party to the NPT.	
General statement on commitment to Disarmament and non-proliferation	X	Strong long-standing commitment to the objectives of disarmament and non-proliferation. 1. Statement by the Foreign Minister at the Conference on Disarmament Geneva, 28 March 2002 2. Statement by the Permanent Representative of Pakistan to the United Nations, Geneva, at the 57th Session of the UN General Assembly 3. Statement by the Permanent Representative of Pakistan to the United Nations, Geneva, in the General Debate of the First Committee of the 59th Session of the UN General Assembly on 12 October 2004 4. Text of the Foreign Secretary's Key Note Address to the Conference on Disarmament in Geneva, 26 May 2003 5. Text of the Foreign Minister's Address to the Royal Institute of International Affairs, London on "Pakistan's Security Perspectives", 3 November 2003 6. Text of an Official Release on Pakistan's Resolution on "Confidence Building Measures in the Regional and Sub-Regional Context in the UNGA on 4 November 2003 7. Speech by President, General Pervez Musharraf at the Institute for Foreign Affairs and National Security (IFANS), Seoul, 6 November 2003 8. "Pakistan's Foreign Policy - Responding to Current Global and Regional Dynamics", Foreign Secretary's Speech at Sarah Lawrence College on 12 November 2003 9. Excerpts from President Musharraf's Address to the 50th Anniversary of All Pakistan Newspapers Society (APNS) on 30 December 2003 10. Text of a Joint Press Talk by Pakistan Foreign Minister and India's National Security Advisor, at the Close of a Security Conference in Munich on 8 February 2004 11. Address by the President of Pakistan at the Inaugural Session of the 3rd National Security Workshop Held at the National Defence College Islamabad, 12 February 2004 12. Address by Foreign Minister to the Members of the Foreign Affairs Committee of the National Assembly and Senate of Pakistan on	Page 2 of the 1540 National Report

		"Major Foreign Policy Issues Facing the Country", 13 April 2004 13. Explanation of Vote by the Permanent Representative of Pakistan to the United Nations, on the Security Council Resolutions on Non-Proliferation of Weapons of Mass Destruction, New York, 28 April 2004 14. Address by the Foreign Minister at the Italian Institute of International Conciliation on "Foreign Policy of Pakistan, Challenges and Response", Rome, 7 July 2004 15. Statement by the Foreign Secretary and Leader Of Pakistan Delegation, at the XIV NAM Ministerial Conference, on "Challenges of Multilateralism in the 21st Century, Durban, South Africa, 19 August 2004 16. Address to the Nation by Prime Minister Islamic Republic of Pakistan Shaukat Aziz on 19 November 2004	
General statement on non-provision of WMD and related materials to non-state actors	X	1. Preambular para of Pakistan's National Report. 2. Explanation of Vote by the Permanent Representative of Pakistan to the United Nations, on the Security Council Resolutions on Non-Proliferation of Weapons of Mass Destruction, New York, 28 April 2004 3. Speech by the Foreign Minister at a Seminar on "Emerging Security Challenges and Opportunities", Organized by the Institute of Regional Studies, Islamabad on 14 October 2004 4. Transcript of the Press Conference Addressed by the Foreign Office Spokesman on 21 March 2005 5. Statement by the Permanent Representative of Pakistan at the Conference on Disarmament, Geneva, 24 March 2005	Para 1 of National Report
Biological Weapons Convention (BWC)	X	Signed on 10 April, 1972 Ratified on 25 September,1974 Entered into force on 6 March, 1975	Page 8 of the report
Chemical Weapons Convention (CWC)	X	Signed on 13 January,1993 Ratification on 28 October,1997 Entered into force on 27 November, 1997	Page 8 of the report
Nuclear Non-Proliferation Treaty (NPT)	X	Although Pakistan is not a state party to NPT, it is strongly committed to the objectives of Non-Proliferation	
Comprehensive Nuclear Test Ban Treaty (CTBT)			
Convention on Physical Protection of Nuclear Material (CPPNM)	X	Entered into force on 12 October 2000 Deposited on 12 September 2000	Page 6 of the report
Hague Code of Conduct (HCOC)		There is no international multilaterally negotiated agreement on missiles. Pakistan supports the negotiation of such an agreement at the Conference on Disarmament and has made a proposal at the CD in this regard.	

Geneva Protocol of 1925	X	Entered into force on 8 February 1928 Deposited on 15 April 1960	http://disarmament.un.org:8080/TreatyStatus.nsf
International Atomic Energy Agency (IAEA)	X	Since 2000. **Pakistan is one of the founding members of IAEA. It is a member since 1957 and not 2000 as indicated in the matrix.** **Pakistan is fully abiding be the Statutes of the IAEA and has closely cooperated with it.**	

Nuclear Weapons Free Zone/Protocol(s)	X	Has proposed Strategic Restraint Regime for South Asia	
Other Conventions/Treaties	X	1. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency -Entered into force 12 October 1989 2. Convention on Nuclear Safety Entry in to force 29 December 1997 3. Convention on Early Notification of a Nuclear Accident. 4. The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space.	
Other Arrangements	X	India –Pakistan Agreement of Non –Attack on each other's nuclear installations. Pakistan is a state party to various international conventions on terrorism.	
Other	X	CD is the best forum for negotiating disarmament and arms control treaties and to address the threat posed by proliferation of nuclear, chemical or biological weapons and their means of delivery. The interim arrangement of resolution 1540 which seeks to prevent non-state actors from acquiring WMDs should be replaced by initiating negotiations on a multilateral treaty in the Conference on Disarmament, where the member states could participate in a non-discriminatory manner.	Page 11 of the report

State: **Pakistan**
Date of Report: 27 October 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	Yes	If YES, indicate source document of national implementation law	Yes	If YES, indicate source documents	
Manufacture/produce	X	• Pakistan Bio-safety Rules 2005 **Rule 19** The Production in which living modified engineered organisms ----are generated or used shall not be commenced except with the consent of National Biosafety committee . This also applies to production taking place in connection with the development , testing and experiment • The Drugs Act 1976 3. **(a) "adulterated drug" means a drug--- (i)which** consists in whole or in part of any ----------which contains any foreign matter,--------- or(ii)Which has been manufactured, packed, or, held under------- any other foreign matter or whereby it may have been rendered injurious to health; or (iii)The container of which releases any poisonous or deleterious substance which may render the contents injurious to health.		Section 23 read with 27 23.-(1) No person shall him self or by any by any other person on his behalf- (a) export, import or manufacture for sale or sell (iv) any adulterated drug. 27. (1) Whoever himself or by any by any other person on his behalf-	Pakistan is a non-possessor state. The specific implementing national legislation regarding BWC is in process however Pakistan has other legislation that can prevent and control the use of biological agents and noxious substances that can lead to production and manufacture of BW and prosecution can be maintained in respect of any person who is found guilty of manufacturing or producing.

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		• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4(4)** (4) The Federal Govt shall control export , re export , transshipment, transit of goods , technologies material and equipment --- which may contribute to designing ,development , production, stockpiling, --- use of nuclear and biological weapons and the delivery systems	X	**(a)** export ,imports manufactures for sale or sell any spurious drug or any drug which is not registered. **(b)** manufacture for sale any drug without a license; or **(c)** import without license any drug for the import of which a license is required; Shall be punished with imprisonment Which shall not be less than 3 years or more than 10 years and fine which may extend to 1 lakh rupees **Section 8(1)** 8(1) Any person who contravenes ---- shall be guilty for an offence punishable on conviction by imprisonment for a term which may extend to 14 years and with fine not exceeding 5 million rupees or both and--- Property and assets where ever they may be shall be forfeited to Federal Government.	
Acquire	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4(4) read with 8(1) ibid** • Anti Terrorism Act 1997, Sec 6 • Surrender of Illicit Arms Act , 1991, Sec 4			
Possess	X	• Surrender of Illicit Arms Act 1991 **Section 2 (iii)** defines poisonous or noxious gases or other chemicals or substances as illicit arms			

		Section 4.....person in possession or control of any illicit arms shall surrender such arms to..... • Anti Terrorism Act 1997 **Section(2bb) read with, 6** 2(bb)"weapons" means any item which can be used to injure or cause bodily harm, and includes any type of firearm, explosive, sword, dagger, knuckle-duster, stengun, bomb, grenade, rocket launcher, mortar or any chemical, biological weapon or any other thing which can be used for causing injury, hurt, harm or destruction of person or property, and includes 'illicit arms' as defined in the surrender of illicit Arms Act 1991 (XXI of 1991). **6 (2)a involves** doing of any thing that causes death **b** involves the doing of any thing that is likely to cause death or endangers a person's life •			
Stockpile/store	X	• Surrender of Illicit Arms Act 1991 **Section 2 (iii)** defines poisonous or noxious gases or other chemicals or substances as illicit arms **Section 4**.....person in possession or control of any illicit arms shall surrender such arms to..... • The Drugs Act 1976 **Section 23 read with 27 ibid** • Anti Terrorism Act 1997, Sec 2	X	**Section 7(3)**	
Develop	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4 (4) ibid** • The Pakistan BioSafety Rules 2005		**Section 8 (1) ibid**	Specific Statutes in process

		Rule 19 The Production in which living modified engineered organisms ----are generated or used shall not be commenced except with the consent of National Biosafety committee . This also applies to production taking place in connection with the development , testing and experiment			
Transport	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4** (4) The Federal Govt shall control export , re export , transshipment, transit of goods , technologies material and equipment ---- ---- which may contribute to designing ,development , production, stockpiling, ---- use of nuclear and biological weapons and the delivery systems • Pakistan Plant Quarantine Act 1976	X	**Section 8(1)** 8(1) Any person who contravenes---- shall be guilty for an offence punishable on conviction by imprisonment for a term which may extend to 14 years and with fine not exceeding 5 million rupees or both and--- Property and assets where ever they may be shall be forfeited to Federal Government **Section 6 read with 5** 5. when a Notification has been issued under section 3 then, notwithstanding anything contained in any other law for the time being in force ,the person responsible for the booking of goods or parcels at any port , railway station ,airport or other places – (i) where the notification prohibits import, shall refuse to receive for carriage at or to forward, or knowingly allow to be carried by sea ,air, land, rail or other carriers from that port, station airport or place anything of which import is prohibited; and (ii) where the notification imposes any conditions upon import, shall so refuse unless the prescribed documents	This is a mechanism available to the Government through which it can control transport of any material that can be used in BW Any person who contravenes is liable to be prosecuted under this legislation

				showing that the conditions have been fulfilled are produced 6. **Whoever contravene or attempts** to contravenes any of the provision of this Act, or any of the rules made or notification issued there under, shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Custom Act 1969 as applied by section 4, be punishable with fine which may extend to five thousand rupees and upon any subsequent conviction with imprisonment up to six months, or with fine which may extend to two thousand rupees, or with both.	
Transfer	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 • Pakistan Plant Quarantine Act 1976	X	**Section 4 read with 8 ibid** **Section 6 read with 5 ibid**	
Use	X	• Anti Terrorism Act 1997	X	**Section 2bb read with 6 (2)(a)(d) and 7 (a)(b)** 2(bb)"weapons" means any item which can be used to injure or cause bodily harm, and includes any type of firearm, explosive, sword, dagger, knuckle-duster, stengun, bomb, grenade, rocket launcher, mortar or any chemical, **biological weapon** or any other thing which can be used for causing injury, hurt, harm or destruction of person or property, and includes 'illicit arms' as defined in the surrender of illicit Arms Act 1991 (XXI of 1991). **6 (2)a involves** doing of any thing that causes death **b** involves the doing of any thing that is likely to cause death or endangers a person's life.	

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		• Pakistan Penal Code 1860		7(a) ---------shall be punished--- with death or imprisonment for life and with fine (b) ---------- shall be punished ----with imprisonment ---- not less than 5 years---- may extend to 14 years and with fine **Section 270** **Malignant act likely to spread infection of disease dangerous to life**. Whoever malignantly does any act which he knows or has the reason to believe to be likely to spread disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or fine, with both.	
Participate as an accomplice in a m activities	X	• Anti Terrorism Act 1997	X	**Section 21 I**----- 21J 21-I **Aid and Abetment** --- Whoever aids or abets any offence under this Act shall be punishable with the maximum term of imprisonment provided for the offence or fine provided for such or with both. 21-J **Harbouring**.—(1 A person commits an offence if he harbours any person who commits an offence under this Act. (2) A person guilty of an offence under sub-section (1) shall be liable on conviction to punishment as provided in Section 216 and 216-A of Pakistan Penal Code (Act XLV of 1860). **Section 107 read with 108A** **107.Abetment of a thing. A** person abets the doing of a thing, who— ***First***: Instigates any person to do that thing, or ***Secondly***: Engages with one or more other person or persons in any conspiracy for the doing of that	
		• Pakistan Penal Code 1860			

				thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing, or ***Thirdly:*** Intentionally aids by any act or illegal omission, the doing of that thing. **Explanation 1**: A person who, by *willful* misrepresentation, or by *willful* concealment of a material fact, which is bound to disclose, voluntarily causes or procures, or attempts to cause or procures, a thing to be done, is said to instigate the doing of that thing. **Explanation 2**: Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act. **108A Abetment in Pakistan, of offences outside it.** A person abets an offence within the meaning of this Code who, in Pakistan, abets the commission of any act without and beyond Pakistan which would constitute an offence committed in Pakistan.	
Asset m a m activities	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 • Anti Terrorism Act 1997 • Pakistan Penal Code 1860	X	**Section 8 (2)** Any person who attempts to commits or abets the commission of an offense under this Act shall be proceeded against in the same manners as if he has committed such offence. **Section 21 I---- 21J ibid** **Section 107 read with 108A ibid**	
Finance a m activities	X	• Anti Terrorism Act 1997 **Section 11-J read with 11- N** 11-J **Funding Arrangements**.—A person			

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	commits an offence if (a)enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and (b)has reasonable cause to suspect that it will or may be used for the purposes of terrorism				
		X	11-N Punishment under section 11-H to 11-K.——shall be punishable on conviction with imprisonment for a term not less than six months and not exceeding five years and with fine		
- Pakistan Penal Code 1860			Section 213 & 214 213 Taking gift, etc., to screen an offender from punishment Whoever accept or attempts to obtain or agrees to accept any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bring him to legal punishment if a capital offence: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine if punishable with imprisonment for life, or with imprisonment : and if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, shall also be liable to fine and if the offence is punishable with imprisonment not extending to ten years, shall be punished with description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both. 214 Offering gift or restoration		

				of property in consideration of screening offender : Whoever gives or causes or offers or agrees to give or cause any gratification to any person , or to restore or cause to restoration of any property to any person in consideration of that person's concealing an offence or of his screening any person form legal punishment for any offence, or his not proceeding against any person for the purpose of bringing him to legal punishment. **if the a capital offence**: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine. **if punishable with imprisonment for life or with imprisonment** : and the offence is punishable with imprisonment for life or with imprisonment which may extend to three years, shall be punished with imprisonment of either description for a term may extend to three years, and shall also be liable to and if the offence is punishable with imprisonment not extending to ten years, shall be punishable with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with or with both.	
Above mentioned activities related to means of delivery	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004	X	**Section 4 read with 8 ibid**	
Involvement of non-state actors in a.m. activities	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their	X	**Section 8 Ibid**	

	delivery system Act 2004 • Pakistan Penal Code 1860		**Section 126** **126 Committing depredation on territories of power at peace with Pakistan.** Whoever commits depredation, or makes preparations to commit depredation, on territories of any Power in alliance or at peace with Pakistan, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation. **Section 213 and 214 ibid**		Person is defined to include a natural person and thus includes a non-state actor according to common law jurisprudence. It means that any non state actor can be proceeded against any law of Pakistan that extends to persons
Other					

OP 2 – Chemical Weapons (CW)

State: **Pakistan**
Date of Report: 27 October 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	Yes	If YES, indicate source document of national implementation law	Yes	If YES, indicate source documents	
Manufacture/produce	X	• Chemical Weapons Convention Implementation Ordinance – 2000 **Section 3 read with 5** **3.Prohibition on development, etc of chemical weapons** --- (1) No person shall- (a) develop, produce, otherwise, acquire, or stockpile or retain in chemical weapon, or transfer, directly or indirectly, a chemical weapon to anyone; (b) use a chemical weapon; (c) engage in any military preparation to use chemical weapon (d) assist, encourage or induce, in any way, any other person to engage in any activity prohibited to a State party under the Convention; (e) use a riot control agent as a method of warfare ---------- **5.Prohibition on production, etc., of toxic chemical and precursor.**----(1) No person shall produce, use, acquire, possess, transfer, import or export--any schedule chemical, (a)any discrete organic chemical not being schedule chemical; or (b)any chemical containing the elements of phosphorous, sulphur or fluorine------ • The Explosives Act 1908	X	(3) Whoever contravenes the provisions of this section shall be guilty of an offence punishable with imprisonment for a term which may extend to twenty five years. (2)) Whoever contravenes the provisions of this section shall be guilty of an offence punishable with fine which may extend to ten thousand rupees **Section 5 Punishment for making or possessing explosive under suspicious circumstances.** Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a	Pages 3 and 8 of the report *http://www.opcw.org/docs/lan atempleg/Pakistan.pdf*

				lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to [fourteen years] 5-A. **Forfeiture of property**. A Court convicting a person for an offence against this Act shall direct that the whole of his property shall stand forfeited to Government	
Acquire	X	• Chemical Weapons Convention Implementation Ordinance – 2000 • Surrender of Illicit Arms Act 1991	X	**Section 3 read with 5** **ibid** **Section 2(iii),4 read with 7(I)(a)(b)(c)** **ibid**	
Possess	X	• Chemical Weapons Convention Implementation Ordinance – 2000 • Surrender of Illicit Arms Act 1991 **2 (a) illicit arms' includes**, (iii)All types of explosive substances as defined in the Explosive Substances Act, 1908 (VI of 1908), and the Explosives Act (IV of 1884), including mines of all types, that discharge provisions or noxious gases or other chemicals or substances which cause damage to human body. **Section 4**.....person in possession or control of any illicit arms shall surrender such arms to.....	X	**Section 3 read with 5** **Ibid** **Section 2(iii),4 read with 7(I)(a)(b)(c)** **7 Punishments** (1) Whoever contravenes the provisions of Section 4 or Section 5 of fails to surrender illicit arms shall— a in respect of illicit arms defined in sub-clauses (i) to (iii) of clause (a) of Section 2, be punished with imprisonment for life and forfeiture of property, both movable and immovable; b in respect of illicit arms defined in sub-clause (iv) of clause (a) of Section 2, be punished with imprisonment for life or with imprisonment for a term which shall not be less than ten years having regard to the antecedents of the accused; and c in respect of illicit arms defined in sub-clause (v) of Clause (a) of Section 2, be punished with imprisonment for a term which may extend to fourteen years but shall not be less than tree years, having regard to the antecedents of the accused	
Stockpile/store	X	• Chemical Weapons Convention Implementation Ordinance-2000	X	**Section 3ibid**	
Develop	X	• Chemical Weapons Convention Implementation Ordinance-2000	X	**Section 3ibid**	

Transport	X	• Chemical Weapons Convention Implementation Ordinance-2000 • Surrender of Illicit Arms Act 1991	X	**Section 3ibid** **Section7(3)** Punishments (1)Whoever contravenes the provisions of Section 4 or Section 5 of fails to surrender illicit arms shall- -(3) Any conveyance used for the transportation of any illicit arms shall also be liable to confiscation	
Transfer	X	• Chemical Weapons Convention Implementation Ordinance-2000 **3.Prohibition on development, etc of chemical weapons** — (1) No person shall (a) develop, produce, otherwise, acquire, or stockpile or retain in chemical weapon, or transfer, directly or indirectly, a chemical weapon to anyone. (b) use a chemical weapon. (c) engage in any military preparation to use chemical weapon (d) assist, encourage or induce, in any way, any other person to engage in any activity prohibited to a State party under the Convention. (e) use a riot control agent as a method of warfare ----------	X	(3) Whoever contravenes the provisions of this section shall be guilty of an offence punishable with imprisonment for a term which may extend to twenty five years	Pages 3 and 8 of the report *http://www.opcw.org/docs/la n atmplep/Pakistan.pdf*
Use	X	• Chemical Weapons Convention Implementation Ordinance-2000 • Anti Terrorism Act 1997 **Section 2bb read with 6 (2)(a)(d) and 7 (a)(b)** 2(bb)"weapons" means any item which can be used to injure or cause bodily harm, and includes any type of firearm, explosive, sword, dagger, knuckle-duster, stengun, bomb, grenade, rocket launcher, mortar or any **chemical,** biological **weapon** or any other thing which can be used for causing injury, hurt, harm or destruction of person or property, and includes 'illicit arms' as defined in the surrender of illicit Arms Act 1991 (XXI of 1991).	X	**Section 3 and 4 ibid** **6 (2)a involves** doing of any thing that causes death **b** involves the doing of any thing that is likely to cause death or endangers a person's life. 7(a) ---------shall be punished--- with death or imprisonment for life and with fine (b) ---------- shall be punished ----with imprisonment ---- not less than 5 years--- may extend to 14 years and with fine	
Participate as an accomplice in a m activities	X	• Anti Terrorism Act 1997	X	**Section 21 I---- 21J** 21-I **Aid and Abetment** --- Whoever aids or abets any offence under this Act shall be punishable with the maximum term of imprisonment provided for the offence or fine provided for such	

		• Pakistan Penal Code 1860		or with both. 21-J **Harbouring.**—(1 A person commits an offence if he harbours any person who commits an offence under this Act. (2) A person guilty of an offence under sub-section (1) shall be liable on conviction to punishment as provided in Section 216 and 216-A of Pakistan Penal Code (Act XLV of 1860). **Section 107 read with 108A** **107.Abetment of a thing** A person abets the doing of a thing, who--- ***First:*** Instigates any person to do that thing, or ***Secondly:*** Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing, or ***Thirdly:*** Intentionally aids by any act or illegal omission, the doing of that thing. **Explanation 1:** A person who, by willful misrepresentation, or by willful concealment of a material fact, which is bound to disclose, voluntarily causes or procures, or attempts to cause or procures, a thing to be done, is said to instigate the doing of that thing. **Explanation 2:** Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act. 108A **Abetment in Pakistan, of offences outside it.** A person abets an offence within the meaning of this Code who, in Pakistan, abets the commission of any act without and beyond Pakistan which would constitute an offence committed in Pakistan.	
		• Chemical Weapons Convention Implementation Ordinance-2000		**Section 3(d)** **3.Prohibition on development, etc of chemical weapons** --- (1) No person shall (d) assist, encourage or induce, in any	

		• The Explosives Act 1884		way, any other person to engage in any activity prohibited to a State party under the Convention; **Section 12** **12.Abetment and attempts**. Whoever abets, within the meaning of the Pakistan Penal Code, the commission of an offence punishable under this Act, or the rules made under this Act, or attempts to commit any such offence and in such attempt does any act towards to commission of the same, shall be punishable as if he had committed the offence.	
Assist in a m. activities	X	• Pakistan Penal Code 1860 • Chemical Weapons Convention Implementation Ordinance-2000 • The Explosives Act 1884	X	**Section 107 read with 108A ibid** **Section 3(1)(d) ibid** **Section 12 ibid**	Pages 3 and 8 of the report http://www.opcw.org/docs/la n atmplegy/Pakistan.pdf
Finance a m. activities	X	• Chemical Weapons Convention Implementation Ordinance-2000 • Anti Terrorism Act 1997 **Section 11-J and 11-N** 11-J **Funding Arrangements.**—A person commits an offence if (a)enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and (b)has reasonable cause to suspect that it will or may be used for the purposes of terrorism • Pakistan Penal Code 1860	X	**Section 3(1)(d) ibid** **11-N** Punishment under section 11-H to 11-K---------shall be punishable on conviction with imprisonment for a term not less than six months and not exceeding five years and with fine. **Section 213 & 214** **213.** Taking gift, etc., to screen an offender from punishment. Whoever accept or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person	

				for the purpose of bring him to legal punishment. if a capital offence: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; if punishable with imprisonment for life, or with imprisonment ; and if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both. 214 Offering gift or restoration of property in consideration of screening offender : Whoever gives or causes or offers or agrees to give or cause, any gratification to any person , or to restore or cause to restoration of any property to any person in consideration of that person's concealing an offence, or of his screening any person form legal punishment for any offence, or his not proceeding against any person for the purpose of bringing him to legal punishment; if the a capital offence: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine; if punishable with imprisonment for life or with imprisonment ; and the offence is punishable with imprisonment for life, or with imprisonment which may extend to three years, shall be punished with imprisonment of either description for a term may extend to three years, and shall also be liable to and if the offence is punishable with	

				imprisonment not extending to ten years, shall be punishable with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with or with both	
Above mentioned activities related to means of delivery	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 2 (c)(ii) read with (iii)**..*a* munition or device, specifically designed..... Definition of Chemical Weapons also include their means of delivery. **Section 5** **5.Prohibition on production, etc., of toxic chemical and precursor.**----(1) No person shall produce, use, acquire, possess, transfer, import or export--any schedule chemical; (a)any discrete organic chemical not being schedule chemical, or (b)any chemical containing the elements of phosphorous, sulphur or fluorine-----	X	(2)) Whoever contravenes the provisions of this section shall be guilty of an offence punishable with fine which may extend to ten thousand rupees	
Involvement of non-state actors in a m activities	X	• Chemical Weapons Convention Implementation Ordinance-2000 • Pakistan Penal Code 1860	X	**Section 3 (1) ibid** **Section 126** 126 **Committing depredation on territories of power at peace with Pakistan**. Whoever commits depredation, or makes preparations to commit depredation, on territories of any Power in alliance or at peace with Pakistan, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation	In all the statutes non -state actor is covered because the definition of person in most of the statute will include a non -state actor
Other	X	• Measures taken to account for and secure sensitive materials in production, use, storage and transport • Physical protection measures for safety and security of installations, equipment, materials and personnel			Page 6 of the report

OP 2 – Nuclear Weapons (NW)

State: **Pakistan**
Date of Report: 27 October 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	Yes	If YES, indicate source document of national implementation law	Yes	If YES, indicate source document	
Manufacture/produce	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 19 (c) read with44 (1)** **Section 19** Power to issue Licence __ (1)No person shall, unless he is exempted as may prescribed by the regulations, or unless he is the holder of a licence issued by the Authority----- (c) explore for mines and mill, extract acquire handle use , ---------, sell ,lease lend by transfer import export convert enrich, produce , store ,process ,reprocess, fabricate, transport , dispose of any radioactive ore , radio active material, nuclear substance or any other substance as the authority may by notification----- specify • Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4(4) read with 8** (4) The Federal Govt shall control export , re export , transshipment, transit of goods , technologies material and equipment --------- which may contribute to designing ,development , production, stockpiling, ---- use of nuclear and biological weapons and the delivery systems.	X	**Section 44 (1)** 44(1) Any person who contravenes ---- shall be punished – for a term -----extend to 7 years or with fine which may extend to 1 million or with both **Section 8** 8(1) Any person who contravenes------ shall be guilty for an offence punishable on conviction by imprisonment for a term which may extend to 14 years and with	

		• The Pakistan Arms Ordinance 1965 **Section 13A** 13-A. **Penalty for transportation of arms, etc(2) Whoever:–** (a)transports, sells or keeps, offers or exposes for sale, any arms or ammunition other than those referred to in clause (a) of sub-section (1), in contravention of the provisions of this Ordinance, or		fine not exceeding 5 million rupees or both and–– Property and assets where ever they may be shall be forfeited to Federal Government **Section 13A** 13-A. **Penalty for transportation of arms, etc(2) Whoever:–** (a)transports, sells or keeps, offers or exposes for sale, any arms or ammunition other than those referred to in clause (a) of sub-section (1), in contravention of the provisions of this Ordinance, or (c)has in his possession or under his control any of the arms referred to in clause (a) or ammunition which can be fired from such arms, in contravention of the provisions of Section 9,	"keeping" it or use in secret care will over lap production / manufacturing therefore given the clear penalty it will be an important option in this kind of prosecution
Acquire	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001. **Section 19 (c) ibid** • The Pakistan Arms Ordinance 1965 **Section 13A ibid**	X	**Section 44 (1) ibid** **Section 13A(c) ibid**	
Possess	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 19 ibid** • The Explosives Substances Act 1908	X	**Section 44 (1) ibid** **Section5 and 5 A** **Section 5 Punishment for making or possessing explosive under suspicious circumstances.** Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term	

		• The Pakistan Arms Ordinance 1965 **Section 13A ibid**		which may extend to [fourteen years] 5 5-A **Forfeiture of property** A Court convicting a person for an offence against this Act shall direct that the whole of his [property shall stand forfeited to Government]	
Stockpile/store	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 19 (c) read with44 (1)** **Section 19** Power to issue Licence __(1)No person shall, unless he is exempted as may prescribed by the regulations, or unless he is the holder of a licence issued by the Authority ——— (c) explore for mines and mill, extract acquire handle use , ----------, sell ,lease lend by transfer import export convert enrich, produce , store ,process ,reprocess, fabricate, transport , dispose of any radioactive ore , radio active material, nuclear substance or any other substance as the authority may by notification—— specify • Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 58** Storage of radioactive material—(1) the licensee shall provide adequate facilities for storage of any radioactive material within his possession in such a manner that — (a) special containers and secure places approved by the Radiation Protection Officer are used; (b) it is kept away from inflammable substances; (c) no person is exposed to radiation resulting in doses in excess of the authorized limits; and (d) in the event of breakage or rupture of the container, its entire contents are retained in the appropriately designed receptacle .	X	**Section 44** (1) 44(1) Any person who contravenes —— shall be punished – for a term ——extend to 7 years or with fine which may extend to 1 million or with both	

		(2) Every container used for storage of any radioactive material shall affixed to it in addition to the symbol of ionizing radiation, a label indicating— (a) nature and activity of the contents; (b) data measurement of activity; (c) name of the person in-charge of the containers; and (d) special safety instructions. • Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4** **4.(1)** The Federal Govt shall maintain a Control Lists, to be notified separately, of goods and Technologies subject to licensing requirements under this Act. (2) The control lists shall be reviewed periodically, and revised or updated, as required by the Federal Govt and notified accordingly. (3) The Federal Govt shall notify all licensing requirements and procedures. (4) The Federal Govt shall control export , re export , transshipment, transit of goods , technologies material and equipment ---- ------ which may contribute to designing ,development , production, stockpiling, ---- use of nuclear and biological weapons and the delivery systems. • The Pakistan Arms Ordinance 1965		**Section 8 (1)** **8 (1)** Any person who contravenes------ shall be guilty for an offence punishable on conviction by imprisonment for a term which may extend to 14 years and with fine not exceeding 5 million rupees or both and---. Property and assets where ever they may be shall be forfeited to	(If applicable)

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				Federal Government **Section 13A ibid**	
Develop	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 16 (c)** To Regulate the radiation safety aspect of —— ——(ii) production import export , transport possession , processing , reprocessing ,sale ,transfer ,storage or disposal of nuclear substance **Section 19 (c ibid**	X	Section 44 (1) ibid	
Transport	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 19 (c) ibid** • Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery System Act 2004 **Section 4(4) ibid** • The Pakistan Arms Ordinance 1965	X	Section 44 (1) ibid Section 8 ibid Section 13A ibid	
Transfer		• Pakistan Nuclear Regulatory Authority Ordinance 2001 Section 19 (c) ibid. • Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 Section 5 5.The Federal Govt shall control export, re-export, transshipment, transit of goods, technologies, material and equipment subject to the provisions of this Act, which may contribute to the designing, development, production , stockpiling, maintenance or use of nuclear and biological weapons and their delivery systems		Section 44(1) Ibid Section 8 8.(1) Any person who contravenes—— shall be guilty for an offence punishable on conviction by imprisonment for a term which may extend to 14 years and with fine not exceeding 5 million rupees or both and— Property and assets where	

				ever they may be shall be forfeited to Federal Government	
Use	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 19 (c) Ibid** • The Anti Terrorism Act 1997 **Read with**: • The Pakistan Arms Ordinance 1965 **2(c) "cannon" includes** (v)nuclear weapons of all types;	X	**Section 2bb read with 6 (2)(a)(d) and 7 (a)(b)** 2(bb)"weapons" means any item which can be used to injure or cause bodily harm, and includes any type of firearm, explosive, sword, dagger, knuckle-duster, stengun, bomb, grenade, rocket launcher, mortar or any **chemical,** biological **weapon** or any other thing which can be used for causing injury, hurt, harm or destruction of person or property, and includes 'illicit arms' as defined in the surrender of illicit Arms Act 1991 (XXI of 1991) **6 (2)a involves** doing of any thing that causes death **b** involves the doing of any thing that is likely to cause death or endangers a person's life. 7(a) ---------shall be punished--- with death or imprisonment for life and with fine (b) ---------- shall be punished ----with imprisonment ---- not less than 5 years---- may extend to 14 years and with fine **Section 126** **Committing depredation on territories of power at peace with Pakistan.** Whoever commits depredation, or makes preparations to commit depredation, on territories of any Power in alliance or at peace with Pakistan, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and forfeiture of any property used or	Prosecution against any person can be maintained for use or attempt to use any NW under Anti terrorism Act 1997 because weapons " therein are defined to include Surrender of Illicit Arms Act 1991 which in turn refer to Pakistan Arms Ordinance 1965 that defines NW So prosecution can be maintained with reference to the consequences of use of NW under section 6(2) of this Act. General statute provision that creates an over arching criminal liability

				intended to be used in committing such depredation, or acquired by such depredation	
Assist in a m activities	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 8 (2)** Any person who attempts to commits or abets to commission of an offense under this Act shall be proceeded against in the same manners as if he has committed such offence • The Pakistan Penal Code 1860 **Section 107 ,108** **107.Abetment of a thing**. A person abets the doing of a thing, who--- ***First:*** Instigates any person to do that thing; or ***Secondly:*** Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or ***Thirdly:*** Intentionally aids by any act or illegal omission, the doing of that thing. **Explanation 1**: A person who, by willful misrepresentation, or by willful concealment of a material fact, which is bound to disclose, voluntarily causes or procures, or attempts to cause or procures, a thing to be done, is said to instigate the doing of that thing. **Explanation 2**: Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act. **108.Abettor.** A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor **Explanation 1**: The abetment of the illegal omission of an act may amount to an offence	X		

		although the abettor may not himself be bound to do that act. **Explanation 2**: To constitute the offence of abetment it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused. • The Explosives Substances Act 1908		**Section 6** **6.Punishment of abettors**. Any person who by the supply of or solicitation for money, the providing of premises, the supply of material, or in any manner whatsoever, procures counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.	
Finance a m activities	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 • Anti Terrorism Act 1997 **Section 11-J and 11-N** 11-J **Funding Arrangements**.—A person commits an offence if (a)enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and (b)has reasonable cause to suspect that it will or may be used for the purposes of terrorism. • The Pakistan Penal Code 1860	X	**Section 8(2) ibid** 11-N **Punishment under section 11-H to 11-K**---------shall be punishable on conviction with imprisonment for a term not less than six months and not exceeding five years and with fine. **Section 213 & 214** **213. Taking gift, etc., to screen an offender from punishment**: Whoever accept or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bring him to legal	

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				punishment. **if a capital offence:** shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. **if punishable with imprisonment for life, or with imprisonment** : and if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, shall also be liable to fine and if the offence is punishable with imprisonment not extending to ten years, shall be punished with description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both. **214 Offering gift or restoration of property in consideration of screening offender** : Whoever gives or causes or offers or agrees to give or cause, any gratification to any person , or to restore or cause to restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person form legal punishment for any offence, or his not proceeding against any person for the purpose of bringing him to legal punishment; **if the a capital offence:** shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine; **if punishable with imprisonment for life or with imprisonment** : and the offence is punishable with imprisonment for life, or with imprisonment which may extend to three years, shall be punished with imprisonment of either description for a term may extend to three years, and shall also be liable to and if the offence is punishable with imprisonment not extending to ten years,	

				shall be punishable with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with or with both.	
Above mentioned activities related to means of delivery	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 19 Ibid** • Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section4 ibid** • Surrender of Illicit Arms Act 1991	X	**Section 44 ibid** **Section 8ibid** **Section 7 (3)** Any conveyance used for the transportation of illicit arms shall also be liable to confiscation.	
involvement of non-state actors in a m activities	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 19 ibid** • Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 • The Pakistan Penal Code 1860. • Anti Terrorism Act, 1997.	X	**Section 44 ibid** **Section 8 ibid** **Section 126** **126 Committing depredation on territories of power at peace with Pakistan.** Whoever commits depredation, or makes preparations to commit depredation, on territories of any Power in alliance or at peace with Pakistan, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.	
Other					

OP 3(a) and (b) - Account for/Secure/Physically Protect BW Including Related Materials

State: **Pakistan**
Date of Report: 27 October 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
Measures to account for production	X	• Pakistan Bio-safety Rules 2005 Rule 17 (1) and (2) **Rule 19** The Production in which living modified engineered organisms ----are generated or used shall not be commenced except with the consent of National Biosafety committee . This also applies to production taking place in connection with the development , testing and experiment			The Pakistan Biosafety Rules 2005 setup a new Biosafety committee which has been given a very wide jurisdiction in technical areas.
Measures to account for use	X	• The Pakistan BioSafety Rules 2005 Rule 17 ibid **Rule 19 ibid.**			
Measures to account for storage	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4(4) read with 6** (4) The Federal Govt shall control export , re export , transshipment, transit of goods , technologies material and equipment ---------- which may contribute to designing ,development , production, stockpiling, ---- use of nuclear and biological weapons and the delivery systems. **Section 6** Record keeping (1) All exporters shall maintain records of all Transactions--- (2) Any Government agency or department involved in export ----shall keep records of			

		their recommendations and decisions ------ • The Pakistan Environmental Protection Act 1997 **Section 14** ------, no person shall generate ,collect, consign , transport , treat, dispose of , store, handle or import any hazardous substance---		**Section 17** Penalizes contraventions of rules	
Measures to account for transport	X	• The Pakistan Environmental Protection Act 1997 **Section 14 ibid**			
Other measures for accounting					
Measures to secure production	X	• The Pakistan BioSafety Rules 2005 **Rule 19, 21 and 22** **19.The Production** in which living modified engineered organisms ----are generated or used shall not be commenced except with the consent of National Biosafety committee This also applies to production taking place in connection with the development , testing and experiment **21 Permission** and approval for certain substances and products which contained genetically engineered organisms--- shall not be produced imported or used except with the approval of --- **22. Permission** and approval for food stuffs, ingredients in food stuffs and additives including processing aids containing or consisting or having modified organisms substances or cells there shall not be produced sold imported except with the approval ----			
Measures to secure use	X	• The Pakistan BioSafety Rules 2005 **Rule 19-ibid** • Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and			

		their delivery system Act 2004 **Section 4 (4)ibid**			
Measures to secure storage					
Measures to secure transport	X	• The Pakistan Environmental Protection Act 1997 **Section 14 ibid** • Carriage of Goods by Sea Act 1925 **Schedule Article IV item(6)** Goods of inflammable , explosive or dangerous nature to the shipment whereof The carrier , master or agent of the carrier, has not consented ,with the knowledge of their nature and characters, may at any time before discharge be landed at any place or be destroyed			
Other measures for securing	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4(4) ibid**			
Regulations for physical protection of facilities/materials/transports	X	• The Pakistan BioSafety Rules 2005 **Rule 11** Prohibition and license requirements No person shall import export , sell ,purchase or trade living modified organisms---- without the prior obtaining of license from the Federal Agency			
Licensing /registration of facilities/ persons handling biological materials	X	• The Pakistan BioSafety Rules 2005 **Rule 11 ibid**	X	In certain cases	
Reliability check of personnel		Civil Servants (Efficiency & Discipline) Rules 1975			
Measures to account for/secure/ Physically protect means of delivery					
Regulations for genetic engineering work	X	• The Pakistan BioSafety Rules 2005 SRO 336(I)/2005 • The Pakistan Council of Scientific			

		and Industrial Research Act 1973 **Section 6** **The functions of the Council shall be----** (d) to undertake such special scientific and technological surveys and investigations as may be referred to it by the Federal Government from time to time • Center of Excellence In Molecular Biology Established Under the Directives of Ministry of Science and Technology			
Other legislation/regulations related to safety and security of biological materials					
Other	X	• The Pakistan Penal Code 1860	X	**Chapter XIV** **Section 271, 274, 275, 276, 277.** **Disobedience to quarantine rule.** Whoever knowingly disobeys any rule made and promulgated by Federal or any Provincial Govt for putting any vessel into state of quarantine or for regulating the intercourse of vessel in a State of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine or with both. 274 **Adulteration of drugs.** Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medical purpose, as if it had not undergone such adulteration, shall be punishable with imprisonment of either description for term which may	

				extend to six months or with fine which extends to three thousand or with both. 275 **Sale of adulterated drugs**. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes or causes it to be used for medical purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description which may extend to six months, or with fine which extends to three thousand or with both. 276 **Sale of drug as a different drug or preparation**. Whoever knowingly sells, or offers or exposes for sale, or issue from any dispensary for medical purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description which may extend to six months, or with fine which extends to three thousand or with both. 277 **Fouling water of public spring or reservoir**. Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purposes for which it is ordinarily used, shall be punished with imprisonment of either description which may extend to three months, or with fine which extends to one thousand or with both

OP 3(a) and (b) - Account for/Secure/Physically Protect CW Including Related Materials

State: **Pakistan**
Date of Report: 27 October 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
Measures to account for production	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 2, 7 read with schedule I, II ,III and IV** **7.Production, etc., for permitted purposes.**—(1)---------- (2) The production, use, acquisition, export or import of any discrete organic chemical not being a schedule chemical containing phosphorous, sulphur or fluorine and facilities specified in Part IX of the Verification Annex shall be subject to data monitoring and eventual on site verification in accordance with that part of the Verification Annex unless decided otherwise by the Conference of States Parties----			• Pakistan is a declared non possessor state • Page 6 of the report
Measures to account for use	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 7 read with schedule I, II ,III and IV** The CWC Authority under the Act is preparing detailed guidelines/ Rules			
Measures to account for storage	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 7 and schedule I, II ,III and IV Read with** **Section 12, 13 of the Custom Act 1969 regarding ware house licensing (in case where applicable)** • The Explosive Act 1884		**Custom Act 1969** Section 156	

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		Section 6ibid			
Measures to account for transport	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 7 ibid** • The Dangerous Cargoes Act 1953 **Section 10 read with 2 & 3** 2 "dangerous cargoes" means any cargoes containing— (a) any goods shown as explosives in the Comprehensive Classified List of Government Explosives (c) prohibited dangerous goods, that is to say, goods classified as dangerous (d) any cargoes which are liable to fire or explosion and which are declared by the Central Government by notification in the official Gazette to be dangerous cargoes for the purposes of this Act 3. The Central Government may make such orders as appears to it to be necessary or expedient for securing the safety of any port and preventing or dealing with explosions and fires on vessels carrying dangerous cargoes within the limit of any port, generally for the transit working and storage of dangerous cargoes and matter incidental thereto	X	10 The police may arrest without warrant any person committing an offence under this Act	
Other measures for accounting	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 2, 7 read with schedule I, II ,III and IV**			
Measures to secure production	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 2, 7 read with schedule I, II ,III and IV** • The Explosive Act 1884 **Section 5** (In selective cases)			
Measures to secure use	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 7 along with schedule I, II ,III and IV**			

		• The Explosive Act 1884 **Section 5** (In selective cases)			
Measures to secure storage	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 7 with all the schedule to the Act.**			
Measures to secure transport	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 7 ibid** • The Explosive Act 1884 **Section 5 ibid** • The Dangerous Cargoes Act 1953 **Section 10 read with 2 & 3 ibid**			
Other measures for securing	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 10** **Functions of the Authority** ---In particular and without prejudice to the generality of functions under this Ordinance, the functron of the Authority shall be to— ()ensure effective operation of this Ordinance; (b)carry out, on b:half of Pakistan, such obligations which Pakistan has under the Convention; (c)facilitate inspections of the premises in Pakistan, in case compliance of Pakistan with the Convention is challenged; and (d)do anything incidental or conducive to the performance of the foresaid functions • The Explosive Act 1884	X	**Section 13** **13 .Power to arrest without warrant persons committing dangerous** offences. Whoever is	

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				found committing any act for which he is punishable under this Act or the rules under this Act, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored or any railway or port, or any carriage, aircraft or vessel, may be apprehended without warrant by a Police Officer or by the occupier of , or the agent or servant of, or other person authorized by the occupier ---------and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate	
Regulations for physical protection of facilities/materials/transports	X	• Chemical Weapons Convention Implementation Ordinance-2000			
Licensing of Chemical installations/entities/use of materials	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 23 Registration.--- (1) The National Authority may**, directly or through notice, require an individual or organization involved in production, processing, consumption, transfer, import or export of any schedule chemical or any discrete organic chemical not being a schedule chemical, or a chemical containing elements of phosphorous, sulfur, or fluorine, to register themselves with the National Authority or any other office as may be prescribed within a specified time period.	X	2) Whoever contravenes the provisions of this section shall be guilty of an offence punishable with imprisonment for a term, which may extent to two years, or with fine, or with both.	
Reliability check of personnel	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Schedule V** **A.** General Principles for the Handling of Confidential Information. **B.** Employment and Conduct of Personnel in the Technical Secretariat. **C.** Measure to Protect Sensitive			

		Installation and Prevention Disclosure of Confidential data in the Course of on site Verification Activities. **D.** Procedure in case of Breach or Alleged Breach of Confidentiality Civil Servant Efficiency and Discipline Rules 1973 • Official Secrets Act of 1923			
Measures to account for/secure/ Physically protect means of delivery	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 2(c)(iii)(m) Schedule IV (2) A (8) (c)(iii)** any equipment specifically designed for use directly or in connection with the employment of the munition or device specified .... (e) The purposes for which the chemical was or will be produced, processed or consumed,---------- (ii) Sale or transfer within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trade or other destination and, if possible, of final product -----(iii)(iv)-----. Declaration on the past production of schedule 2 chemicals for chemical weapon purposes.			
National CWC authority	X	• Ministry of Foreign Affairs (Chemical Weapons Convention Implementation Ordinance-2000.			National Authority on CWC under the Ministry of Foreign Affairs.
Reporting Schedule I, II and III chemicals to OPCW	X	• Chemical Weapons Convention Implementation Ordinance – 2000			National Authority on CWC is responsible for reporting.
Account for, secure or physically protect old chemical weapons	X	• The Explosive Rules 1940 **Rule 107** Power to destroy illicit explosive (1)the Chief Inspector or an Inspector of Explosives (a)shall destroy any explosive where ever found (i)the manufacture possession, or importation of which has been prohibited absolutely under section 6 of the Act.....			Pakistan is a non-possessor CW state. However, appropriate measures are being developed to protect against chemical weapons.

		• Chemical Weapons Convention Implementation Ordinance-2000 **Section 24** Power to enter a premises and search, remove or immobilize object.---(1) If the national Authority has reasonable cause to believe that--- (a)an object is on a premises to which the public has the access or which are occupied by a person who consents to action being taken under this subsection; and (b)the object is a chemical weapon, the National authority may authorize any person to enter the premises and to search them---- (2)------(3)------ (4) if the person enters the premises---------- (a)he may seize and remove it, if it is reasonable practice to do so; or (b)he may, in any other case , affix a warning on the object----------not to moved or inferred with ----------.			
Other legislation/regulations controlling chemical materials	X	• Surrender of Illicit Arms Act 1991	X	**Section 7** 7 **Punishments**. (1) Whoever contravenes the provisions of Section 4 or Section 5 of fails to surrender illicit arms shall---(a) in respect of illicit arms defined in sub-clauses (i) to (iii) of clause (a) of Section 2, be punished with imprisonment for life and forfeiture of property, both movable and immovable; (b)in respect of illicit arms defined in sub-clause (iv) of clause (a) of Section 2, be punished with imprisonment for life or with imprisonment for a term which shall not be less than ten years having regard to the antecedents of the accused; and (c)in respect of illicit arms defined in sub-clause (v) of Clause (a) of Section 2, be punished with imprisonment for a term which may extend to fourteen years but shall; not be less than tree years, having regard to the antecedents of the accused; (2) Any illicit arms in respect of	Depending on facts, offenders of CW's are prosecutable under these laws as well

		• The Explosives Substances Act 1908		which a person is convicted and sentenced under sub-section (1) shall stand forfeited to the Federal Government. (3). Any conveyance used for the transportation of any illicit arms shall also be liable to confiscation. **Section 5- 5A** 5.**Punishment for making or possessing explosive under suspicious circumstances.** Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to [fourteen years]8. 5-A. **Forfeiture of property**. A Court convicting a person for an offence against this Act shall direct that the whole of his [property shall stand forfeited to Government].	
Other	X	• Challenge Inspections • Routine Inspections • Awareness of masses			

OP 3(a) and (b) - Account for/Secure/Physically protect NW Including Related Materials

State: **Pakistan**
Date of Report: 27 October 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	Yes	If YES, indicate source document	Yes	If YES, indicate source documents	
Measure to account for production	X	• INFIRC / 418 (Chasma I) • INFIRC /116 (KANUPP) • INFIRC /135(KANUPP) • Pakistan Nuclear Regulatory Authority Ordinance 2001 • Pakistan Nuclear safety and Radiation protection Regulations 1990 **Rule 59 (1)** 1. Records of the radioactive material as stored shall be kept by the licensee in a form and in a manner prescribed by the Directorate **Rule 22** Maintenance of records--Every licensee shall- a) Maintain the record showing the nature, form and quantity of radioactive material obtained and used monthly; b) Keep a record of the names, addresses, designations, qualifications and status of all the persons involved in use or handling or connected with the use or handling of radioactive material, radiation apparatus or nuclear installations. Record full particulars of disposal, decay and loss of radioactive material and intimate the Directorate about such loss and efforts made by him for the recovery-------- • Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 19 (4)**	X	**Section 44 (1)** 44(1) Any person who contravenes ---- shall be punished – for a term -----extend to 7 years or with fine which may extend to 1 million or with both	

		Power to issue licence __ (1) No person shall, unless he is exempted as may prescribed by the regulations, or unless he is the holder of a licence issued by the Authority---------- (2) Subject to sub-section (1), the Authority may, on application made to it accompanied by such fee, information and documents, as may be prescribed by the regulations, issued a licence for carrying out of such activities as are specified in the licence for such period as may --------- (4) the Authority may prescribe terms and condition that may be attached to a licence			
Measures to account for use	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 • Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 22 ibid**	X	**Section 44 ibid**	*http://www.iaea.org/Our Work SV/Safeguards/sir table.pdf*
Measures to account for storage	X	• Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 59 (i) ibid** • Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4(4)** (4) The Federal Govt shall control export , re export , transshipment, transit of goods , technologies material and equipment ---------- which may contribute to designing ,development , production, stockpiling, ---- use of nuclear and biological weapons and the delivery systems	X	**Section 44 ibid**	*http://www.iaea.org/Our Work SV/Safeguards/sir table.pdf*
Measures to account for transport	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 • Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 62** Transport of radioactive material—The transport of radioactive material shall be regulated by the guidelines issued by the	X	**Section 44 ibid**	

		Directorate **Rule 63** Additional requirement ---During the transport of the radioactive materials any other hazardous characteristics ---- shall be taken in to account in such a manner as to be in conformity with the regulation already in force for the transport of dangerous goods. **Rule 70** Physical protection of nuclear material and nuclear facilities ____ the licensee shall be responsible to organize and ensure the physical protection of the nuclear material in use and storage and during transport and of nuclear facilities, including radioactive waste belonging to these facilities in accordance with the provisions of these regulations and guidelines to be issued by PNRB from time to time. • Custom Rules and Notifications, 2001 **333.** Goods not permitted for transshipment.—The following goods shall not be allowed transshipment to up-country customs port or stations-- a.---------- b.---------- c.---------- d. explosive, as defined in the Explosive Act, 1884 e. arms and ammunition -------- • The Dangerous Cargoes Act 1953 **Section 10 read with 2 &3** **2** "dangerous cargoes" means any cargoes containing---- (a) any goods shown as explosives in the Comprehensive Classified List of Government Explosives (c) prohibited dangerous goods, that is to say, goods classified as dangerous (d) any cargoes which are liable to fire or explosion and which are declared by the Central Government by notification in the official Gazette to be dangerous		**Customs Act 1969** **Section 156**	

		cargoes for the purposes of this Act. 3. The Central Government may make such orders as appears to it to be necessary or expedient for securing the safety of any port and preventing or dealing with explosions and fires on vessels carrying dangerous cargoes within the limit of any port, generally for the transit working and storage of dangerous cargoes and matter incidental thereto		**10** The police may arrest without warrant any person committing an offence under this Act	
Other measures for accounting	X	• Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 9** Loss of radioactive material etc —(1) Where, in opinion of an Inspector— (a)any loss, theft , or destruction of any radioactive material or radiation apparatus has occurred or the same has fallen into the possession of some unauthorized person or is so suspected. (b)(c)---------- (2) If in his opinion a violation of terms and conditions of the licence or breach of these regulation has taken place in any premises or installation, Inspector may with approval of the Director order work to be stopped or suspended--------unless satisfied that the risk----------is not greater than when the licence was granted • Surrender of Illicit Arms Act 1991 **Section7 read with 4** **4. Surrender of illicit arms** (1) on commencement of this Act, all persons in possession or control of any illicit arms shall surrender such arms to the District Coordination Officer, Deputy District Officer (Revenue) or officer-in-charge of a police station within whose jurisdiction such person ordinarily resides or to such other authority as may be specified by the Federal Govt by notification –	X	**7.Punishments** (1)Whoever contravenes the provisions of Section 4 or Section 5 of fails to surrender illicit arms shall---	

				a)in respect of illicit arms defined in sub-clauses (i) to (iii) of clause (a) of Section 2, be punished with imprisonment for life and forfeiture of property, both movable and immovable; b)in respect of illicit arms defined in sub-clause (iv) of clause (a) of Section 2, be punished with imprisonment for life or with imprisonment for a term which shall not be less than ten years having regard to the antecedents of the accused; and c)in respect of illicit arms defined in sub-clause (v) of Clause (a) of Section 2, be punished with imprisonment for a term which may extend to fourteen years but shall, not be less than tree years, having regard to the antecedents of the accused. (2) Any illicit arms in respect of which a person is convicted and sentenced under sub-section (1) shall stand forfeited to the Federal Government. (3) Any conveyance used for the transportation of any illicit arms shall also be liable to confiscation.	
		• The Explosives Act 1884 **Section 6** **6.Power for appropriate Government to prohibit the manufacture, possession or importation of specially dangerous explosives.**—(1) Notwithstanding anything contained in this Act, the Federal Govt may from time to time, by notification in the official Gazette, prohibit, either absolutely or subject to conditions, the manufacture, possession, use, transport, import or export of any explosive which is of so dangerous a character that, in the opinion of the Federal Govt, it is expedient for the public safety to issue such information			

		(2) The Custom Act, 1969 shall have effect in relation to any explosive with regard to the importation of which a notification has been issued---------- (3) Any person manufacturing, possession, using, selling, transporting, importing or exporting any explosive---------- shall be punished with fine which may extend to thirty thousand rupees.....			
Measures to secure production	X	• Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 22** Maintenance of records—Every licensee shall (e Not sell transfer dispose of any radiation apparatus or radio active material without prior approval of Directorate			
Measures to secure use	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001 • PNRA Regulation PAK/904 • Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 70** Physical protection of nuclear material and nuclear facilities ____ the licensee shall be responsible to organize and ensure the physical protection of the nuclear material in use and storage and during transport and of nuclear facilities, including radioactive waste belonging to these facilities in accordance with the provisions of these regulations and guidelines to be issued by PNRB from time to time	X	**Section 44 ibid**	Page 6 of the report
Measures to secure storage	X	• PNRA Regulation PAK/904 • Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 2(e) ibid** **Rule 45**			Page 6 of the report

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		Duties and functions of the Radiation Protection Office---The Radiations Protection Officer shall (a)-------(d) (e) organize the safe transport, storage and disposal of all radioactive materials including waste containing radioactive materials;---------- **Rule 58** **Storage of radioactive material—(1)** the licensee shall provide adequate facilities for storage of any radioactive material within his possession in such a manner that --- a)special containers and secure places approved by the Radiation Protection Officer are used; b)it is kept away from inflammable substances; c)no person is exposed to radiation resulting in doses in excess of the authorized limits; and d)in the event of breakage or rupture of the container, its entire contents are retained in the appropriately designed receptacle (2) Every container used for storage of any radioactive material shall affixed to it in addition to the symbol of ionizing radiation, a label indicating— a)nature and activity of the contents b)data measurement of activity; c)name of the person in-charge of the containers; and d) special safety instructions **Rule 70** Physical protection of nuclear material and nuclear facilities ____ the licensee shall be responsible to organize and ensure the physical protection of the nuclear material in use and storage and during transport and of nuclear facilities, including radioactive waste belonging to these facilities in accordance with the provisions of these regulations and guidelines to be issued by PNRB from time to time.			
Measures to secure transport	X	• PNRA Regulation PAK/916 • Pakistan Nuclear Safety			Page 6 of the report

		and Radiation Protection Regulations 1990 **Rule 45(e) & 62, 63** **59 (2) ibid** **45 Duties and functions of the Radiation Protection Office**—The Radiations Protection Officer shall (a)-------(d) (e) organize the safe transport, storage and disposal of all radioactive materials including waste containing radioactive materials;---------- **62.Transport of radioactive** material—The transport of radioactive material shall be regulated by the guidelines issued by the Directorate. **Rule 63** Additional requirement —During the transport of the radioactive materials any other hazardous characteristics ---- shall be taken in to account in such a manner as to be in conformity with the regulation already in force for the transport of dangerous goods. **Rule 70** Physical protection of nuclear material and nuclear facilities ____ the licensee shall be responsible to organize and ensure the physical protection of the nuclear material in use and storage and during transport and of nuclear facilities, including radioactive waste belonging to these facilities in accordance with the provisions of these regulations and guidelines to be issued by PNRB from time to time.			
Other measures for securing	X	• Pakistan Arms Ordinance 1965			
Regulations for physical protection of facilities/materials/transports	X	• PNRA Regulation PAK/911 • Licensees to follow IAEA INFCIRC/224/ Rev.4- Physical Protection of Nuclear Material and Nuclear Facilities • Pakistan Nuclear Regulatory Authority Ordinance 2001- Ordinance No. III of 2001.		Sec. 16-I	Page 6 and 7 of the report

		• Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 43** **Physical surveillance of radiation workers** —(1) The licensee shall establish a system of physical surveillance to ensure compliance with the system of dose limitation. (2)–(3)— (4) The Physical surveillance programme include— a)correctly established and implemented radiation protection procedures; b)correctly performed analysis; c)correctly maintain records; d)limitation of errors; e)maintenance of the measurement accuracy; and f)properly trained personnel **Rule 62 ibid** **Rule 44** **Duties of the physical surveillance service**—The physical surveillance service shall provide – (a) facilities located within the site for the de-contamination of personnel, equipment and areas; (b) all persons who carry out remedial actins, with individual dosimeters, suitable protective clothing and respiratory protective equipment as appropriate to the situation; (c) sufficient quantities of various protective equipment, readily available to meet at least the minimum requirements for seen emergency plan; (d) ----------(e)-------- **Rule 70 ibid**			
Licensing of nuclear installations/entities/use of materials	X	• PNRA Regulation PAK/909 • Pakistan Nuclear Regulatory Authority			Page 6 of the report

		Ordinance 2001 **Section 19 deals at length with power to issue licenses .** • Pakistan Nuclear Safety and Radiation Protection Regulations 1990 **Rule 11** Issuance of a licence—(1) After registration, any person desirous of obtaining a licence for any purpose for which a licence is required under the Ordinance shall apply in writing to the Director for such licence. (2) Every application for a licence shall be accompanied ----------such information and documentary evidence which may be required by the Director ---- (3) --------(4)-------- (5) In case of application for a licence to cause a nuclear-powered vehicle to enter Pakistan, the applicant shall also furnish with the application. a) Type , make and capacity of the vehicle and machinery; b) Type and make of nuclear installation carried on the vehicle; c) Quantity and quality of the fuel stored and used in the vehicle and installation; d) Origin and destination including the purpose journey and previous station where stopped in transit, including the period of stay e) ;An undertaking that the applicant shall not discharge or dispose- of radioactive waste in the territorial limits of Pakistan f) Purpose if stay and period for which license is required (1) The Director may make such further inquiries, inspections or investigations --- --------require an applicant to demonstrate by submitting the required information that the purpose for which the licence is required would not be hazardous to the workers, the public and			

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		the environment If the applicant does not furnish all the information or the evidence required-------his application for grant of licence shall be deemed to have been rejected			
Reliability check of personnel	X	• The Pakistan Atomic Energy Commission Employees (Service) Regulations 2004 **Chapter VII** **General Conduct And Discipline** 1. Conduct And Discipline. The Employees for the purpose of Conduct And Discipline will be governed as per Government rules. 2.Compliance with Orders Every employee shall conform to and abide by these Regulations and shall comply with and obey all orders and directions, which may from time to time replaced/ amended. • The Pakistan Atomic Energy Commission Ordinance 1965. **Section 3A** Employment under Commission to be employment under the Federal Government.—Every employment under the Commission shall, for the purpose of the Essential Service (Maintenance) Act, 1952 (LIII of the said Act shall have the effect accordingly) • The Pakistan Essential Services (Maintenance) Act 1952 **3.Employment to which this Act applies.**____ **(1) This Act shall apply** to every employment under the Federal Government and, subject to the provisions of sub-section (2), to any employment or class of employment which the Federal Government may , by notification in the official Gazette, declare to be an employment or class of employment to which this act apply. • Pakistan Nuclear Regulatory Authority			

		Ordinance 2001 **Section 51 & 52** **51.Declaration of fidelity** and secrecy.___ the chairman, every member, advisor, consultant, officer or any other employee of the Authority shall, before entering upon his duties, shall make declaration of fidelity and secrecy as may be prescribed by the rules **52.Chairman, members**, etc., to public servants.__ The Chairman, members, officers and employees of the authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860) • Pakistan Nuclear Safety and Radiation Protection Regulation, 1990, Rule 22.			
Measures to account for/secure/ Physically protect means of delivery	X	• All production, stockpiling, security and safety etc of delivery means are under strict governmental controls. Private production etc is prohibited. • The Pakistan Penal Code 1860 • PNRA--National Radiation Coordination Center 1988 **EMERGENCY CATEGORIZATION** Response to a nuclear accident or radiological emergency requires rapid and coordinated response in association with public authorities, as in case of conventional emergency. Emergency categorization is composed of emergency conditions that trigger certain level/mode of response. Emergency not specified to nuclear installations like Missing dangerous radiation source or transport accident.	X	**Section 407** **Criminal breach of trust by the carrier,** etc. Whoever, being entrusted with such property as a carrier, wharfinger or ware house-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description which may extend to seven years, and shall also be liable to fine	
National Regulatory Authority	X	• Pakistan Nuclear Regulatory Authority (PNRA)			Page 6 of the report

IAEA Safeguards Agreement	X	• INFIRC / 418 (Chasma I) • INFIRC /116 (KANUPP) • INFIRC /135(KANUPP)			http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
IAEA Code of Conduct on Safety and Security of Radioactive Source		Pakistan subscribes to the non-legally binding code.			
IAEA database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources					
Other Agreements related to IAEA	X	• Convention on Nuclear Safety. • Convention on Assistance in case of a Nuclear Accident. • Convention on Early Notification of Nuclear Accident. • Convention on the Physical Protection of Nuclear Material. •			
Additional national legislation/regulations related to nuclear materials including CPPNM	X	• PNRA--National Radiation Coordination Center 1988 • Pakistan Nuclear Safety and Radiation Protection Regulations 1990 • The Explosives Substances Act 1908 • Surrender of Illicit Arms Act 1991 • The Explosives Act 1884 • The Pakistan Atomic Energy Commission Employees (Service) Regulations 2005 • Pakistan Atomic Energy Commission Ordinance 1965			
Other	X	Consistent with the strong commitment to the objectives of disarmament and non- proliferation, Pakistan fully supports appropriate and effective measures to prevent non state actors from gaining assess to weapons of mass destruction and their means of delivery. Nationally, Pakistan has instituted comprehensive administrative, legislative and			

		security measure to ensure the safety and security of sensitive material facilities, technologies and equipment. Internationally, Pakistan remains a partner in efforts to stem Proliferation and illicit trafficking of WMD- related materials.			

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW Including Related Materials

State: **Pakistan**
Date of Report: **27 October 2004**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
Border control	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 • Sec 3(c) Federal Govt to designate agency or agencies for enforcement **Section 4(4)** (4) The Federal Govt shall control export , re export , transshipment, transit of goods , technologies material and equipment --------- which may contribute to designing ,development , production, stockpiling, ---- use of nuclear and biological weapons and the delivery systems • Customs Act 1969 • Imports and Exports (Control) Act 1950 • West Pakistan Rangers Ordinance 1959 **Section 13 read with 6** 6.The Force shall perform the following functions :- a. protection of persons and property in the border areas ; b. Apprehension of persons unlawfully entering into or going out of Pakistan territory c. Organization of village Defence in the border areas ; d. Prevention of smuggling e. Collection of intelligence in the border areas	X	**Section 8(1)** 8(1) Any person who contravenes------ shall be guilty for an offence punishable on conviction by imprisonment for a term which may extend to 14 years and with fine not exceeding 5 million rupees or both and--- Property and assets where ever they may be shall be forfeited to Federal Government **Section 156**	

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		f. Coordinate of activities of Police and other civil agencies in the prevention and detection of smuggling 13(g)(vi)quits his guard, piquet, party or patrol, without being regularly relieved or without leave, shall be punished with rigorous imprisonment for a term which may extend to fourteen years----------			
		• Airport Security Force Ordinance 1975 **Section 7 read with 6(e)(f)(g)** **6.Powers** and duties of officers and members.-- (e) take effective measures for prevention hijacking, sabotage, placement of car bombs, letter bombs and dangerous articles, smuggling of precious metals, stones, arms, ammunition, narcotics and any other goods the brining into, or taking out of, Pakistan of which is prohibited by or under nay law for the time being in face ; (f) use such arms and ammunition of equipment as may be; authorized by the Force Commander for the purpose of this Ordinance ; (g) search and arrest without warrant any person who he suspects of endangering, or attempting to endanger, or having endangered, the safety of an aerodrome or airport or an aircraft or a civil aviation installation and may use such force as may be necessary in the discharge of Station under the Police Act, 1861 (V of 1861), and the Code of Criminal Procedure, 1898 (Act V of 1898). 7. **Liabilities of officers and members.—(1)** it shall be the duty of every officer and member promptly to obey and to obey and to execute all orders and instructions issued to him by any competent authority. (2) Every officer and member shall be liable to serve wherever he is required to serve by the competent authority.			

		• Pakistan Coast Guards Act 1973 • **Section 3** **3.**Powers to constitute and maintain the force and its functions.—The Federal Government may constitute and maintain a Force to be called the Pakistan Coast Guards for performing the following functions, namely :- (a)prevention of smuggling; (b)prevention of illegal immigration to and migration from the country ; (c)stopping enemy agents or saboteurs from Infiltrating into the country along the coastal areas; and (d)supplementing defense in war. • The Pakistan Railway Police Act 1977 **Section 11 read with 3** **3.(1)** Notwithstanding anything contained in any other law for the time being in force, the Federal Government may constitute, control and maintain a force to be called the Pakistan Railways Police for performing, within such territorial limits as the Federal Government may, by notification in the official Gazette, specify the following functions, namely :- a)preventing loss to Railway property and property consigned to the Railways and prevention of offences in respect thereof; b)ensuring proper conduct of persons on the Railways; c)general maintenance of law and order on the Railways and taking cognizance of offences committed on them ; d)to render all possible assistance to passengers and railway servants ; e)to protect travelers from injury to person or property ; f)to keep Railway platforms and other Railway premises clear of idlers and beggars and to keep a lookout for suspicious persons, smugglers and persons traveling with arms without a license or in contravention of rules, regulations or orders for the time being in force **11**.—(1) It shall be the duty of every officer and member promptly to obey and to execute all orders and instructions issued to him by the competent authority			

		• Police Order 2002 **Section 5** Emergency duties of police with regard to essential services.__ (1) The Government may, in an emergency, by notification in the Official Gazette, declare any specified services to be an essential service to the community. (2) upon a declaration being made under clause (1) and so long as it remains in force, it shall be the duty of every police officer to obey any lawful order given by a senior police officer in relation to the declaration. • Maritime Security Act 1994 **Section 9 read with 10, 11, 12** 9.Application of the Pakistan Navy ordinance, 1961, etc.--(1) Subject to the provisions of this Act, every officer and member of the staff shall, whether appointed through initial recruitment or otherwise, unless he is already so subject, be subject to the Pakistan Navy Ordinance, 1961 (XXXV of 1961), hereinafter referred to as the said Ordinance. 10.Powers and functions of the Agency.—(1) The Agency shall be responsible for the regulation and protection of the maritime interests of Pakistan and to assert and enforce national jurisdiction and jurisdiction and sovereignty in the Maritime Zones. 2)Without prejudice to the generality of the provisions of sub-section (1), the functions of the Agency shall be to-- (c)enforce the national and international laws agreements and conventions on and under the water in the Maritime Zones; --- (j)cooperate with, and provide assistance to Customs, Coast Guards and other departments, agencies and authorities in Maritime Zones in the discharge of their duties and functions. (k)provide an effective secondary maritime force for deployment in any emergency, war or conflict; and (l)perform such other functions as may be assigned to it by the Federal Government, from time to time, to protect maritime interests of Pakistan.			

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		11 Other functions of the officers of Agency, etc —(1) In addition to the powers and functions as officers of the Agency, such officers may perform functions of-- (i)Officers of customs as may be entrusted to them and exercise such powers under the Customs Act, 1969 (IV of 1969), as may be delegated to them under Section 6 of that Act, and (ii)Police Officer, and exercise all the powers conferred on an officer in charge of a Police Station under the Police Act, 1861(V of 1861), and under the Code of Criminal Procedure, 1898 (Act V of 1898). (2)The Government may, at any time, assign or delegate any other functions or powers upon any officer of the Agency under any law for the time being in force in the Maritime Zones. 12 Power of searches, arrest, etc —In exercise of the powers and performance of their functions under this Act, the officers and members of the staff may make inquiries, examinations, inspections, investigations, searches, seizures, and arrests for prevention, detection suppression of contravention of any law for the time being in force within the Maritime Zones and for that purpose the officers and members of the staff may board any vessel except ships, vessel or crafts of Pakistan Armed Forces.			

		• Karachi Port Trust Security Force Ordinance 2002 **Section 3** . **Establishment, constitution and maintenance of the force, its powers and functions.**---(1) The chairman with the approval of the Federal Government shall establish, constitute and maintain a force to be called the Karachi Port Security Force to maintain security and safety of the Karachi Port Area for performing of the following functions namely:- -(a) maintain law and order in the Port Area and take cognizance of offences committed therein or connected thereto ; (k) prevent pollution; spillage, waste fire hazards, chemical hazards, water hazards, biological hazards, hazardous waste and hazardous substances and also prevent the generation, collection transport treatment, disposal, storage, handling import, export of the same may be prescribed; and • Frontier Corp Ordinance 1959 **3.Powers** to maintain Frontier Corps.—There shall continue to be maintained by the Central Government the Frontier Corps forces or units as listed in the First Schedule, primarily for the better protection and administration of the external frontiers of Pakistan within the limits of or adjoining the Special Areas of West Pakistan			

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		• Civil/ Armed Forces Entrustment of Power Through Custom Rules ,Notifications & SRO' s SRO 29 (I)/73 **ENTRUSTMENT OF THE FUNCTIONS OF CUSTOMS OFFICERS TO OFFICERS OF WEST PAKISTAN RANGERS** Notification No.SRO 29(I)/73 dated 3rd January, 1973.—In exercise of the powers conferred by section 6 of the Customs Act, 1969 (IV of 1969), and in suppression of its Notifications No.SRO 314 and 315, dated the 11th July, 1959, the Central Board of Revenue is pleased to entrust, the functions of officers of customers under sections 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167,m sub-sections (1), (3) and (4) of section 168, sections 169 and 171 of the said Act to all officers of the West Pakistan Rangers not below the rank of Sub-Inspector (and all officers of the West Pakistan Rangers not below the rank of Havildar only the Powers under sections 158, 159, 161 and 164 of the said act).			

SRO 524(I)/74

ENTRUSTMENT OF POWERS TO THE OFFICERS OF THE FRONTIER CONSTABULARY

Notification No.SRO 524(I)/74, dated 23rd April, 1974.—In exercise of the powers conferred by section 6 of the Customs Act, 1969 (IV of 1969), the Central Board of Revenue is pleased to entrust, subject to such limitations and restrictions as are laid down in the Rules made under the said Act, to the officers of the Frontier Constabulary specified in the first column of the Table below, the functions of officers of Customs under the provisions of the said Act .....

SRO 1017(I)/74

ENTRUSTMENT TO POWERS OF THE OFFICERS OF CUSTOMS TO THE OFFICERS OF THE FRONTIER CORP

Notification No.SRO 1017(I)/74, dated 26th July, 1974.—In exercise of the powers conferred by section 6 of the Customs Act, 1969 (IV of 1969),the Central Board of revenue is pleased to entrust to the officers of the Frontier Corps, operating within 2(sixty kilometers) along the international borders adjoining the Province of Baluchistan 3(and North Western Frontier Province), as specified in the first column of the Table below the functions of officers of customs under the provisions of the said Act specified ....

Customs or other law enforcement agencies keep tight vigil

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8.	Technical support of border control measures	X	• Bilateral, technical cooperation with different countries . • Capacity building technical courses. • Special training to detect sensitive materials • Deployment of scanners, etc • Collaboration with international organizations • Custom General Order 2005 **Chapter –IX** **STORAGE, DISPOSAL & SAMPLING OF SEIZED AND CONFISCATION GOODS____ INSTRUCTIONS REGARDING** 32 Storage by law enforcing agencies.—For Law Enforcement agencies hereinafter referred to as Agencies, including the Civil Armed Forces of Pakistan who have delegated anti- smuggling powers under the Custom act, 1969. The following directions are issued for strict compliance.- I. Appointment of State-warehouses II. Appointment of custodians III. Working of the State-warehouses IV. ---------- V. ---------- ---------- VI. Inspection of seized goods and sampling thereof. VII. ----------	X		Page 7 of the report. PCSIR provides technical assistance in investigating the material found during Border Control operations that can facilitate prosecution

• Pakistan Council of Scientific and Industrial Research Act 1973

Section 6
The functions of the Council shall be—

d) undertake such special scientific and technological surveys and investigations as may be referred to it by the Federal Government from time to time

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Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 2(f)(i)** shipment , transfer, transmission of goods or technologies out of the territory of Pakistan and (ii) a transfer of goods or technology within Pakistan with the knowledge or intent that the goods or technology will be shipped , transferred or transmitted to an unauthorized recipient out side Pakistan **Section 4(4)** (4) The Federal Govt shall control export , re export , transshipment, transit of goods , technologies material and equipment ---------- which may contribute to designing ,development , production, stockpiling, ---- use of nuclear and biological weapons and the delivery systems • Officials Secrets Act 1923 **Section 5** 1 Wrongful communication, etc., of information: (1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relate to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, ---------- (a) willfully communicates the code or pass word (b) uses information in his possession (c) retain the sketch------ (d) fail to take reasonable care----------shall be guilty of the offence under this section (2) If a person voluntarily receive any secret official code--------shall be guilty of the offence under this section • Telegraphic Act 1885	X	**Section 8(1)** 8(1) Any person who contravenes------ shall be guilty for an offence punishable on conviction by imprisonment for a term which may extend to 14 years and with fine not exceeding 5 million rupees or both and--- Property and assets where ever they may be shall be forfeited to Federal Government (3)A person guilty of an offence under this section shall be punishable,---- a)where offence committed -------directly or indirectly in benefit of foreign power-----shall be punishable with death or with imprisonment which may extend to fourteen years , b)in any other case, with imprisonment for a term which may extend to two years, or fine,----both **Section 25** If any person intending-- (a) to prevent or obstruct the transmission or delivery of any message, or	

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		• Defence of Pakistan Ordinance 1965 **Section 3(2)** 3(2)(xxv) prohibiting or regulating the possession, use or disposal of— a)explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunitions of war; b)vessels, c)wireless telegraphic apparatus, or any other apparatus capable of transmitting messages, d)aircraft, and e)photographic and signaling apparatus and any means of recording information		(b) to intercept or to acquaint himself with the content of the message or, (c) to commit mischief, damages, removes, tampers——shall be punished with imprisonment for a term which may extend to three years or with fine or with both. Imprisonment for a term which may extend to five years and also be liable to fine—	
Enforcement agencies/authorities	X	• Pakistan Customs • Federal Investigation Agency Act 1974 • West Pakistan Rangers Ordinance 1959 • The Pakistan Railway Police Act 1977 • Pakistan Coast Guards Act 1973 • Airport Security Force Ordinance 1975 • Police Order 2002 • Maritime Security Act 1994 • Karachi Port Trust Security Force Ordinance 2002 • Frontier Corps Ordinance 1959			Page 5 of the report.
Export control legislation in place	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 • The Import and Export (Control) Act 1950 • Export Policy Order 2004 (EPO)			

Licensing Provisions	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004 **Section 5** Licensing (1) The Federal Government shall frame and notify the Licenses required under this Act, and also adopt and notify the procedure under which such Licenses shall be approved or rejected. (2) licenses for export and import of goods and technologies for peaceful application may be approved unless the Government determines that the Export would be in contravention of the provision of the Act. (3)An exporter is under a legal obligation to notify to the competent authority if the exporter is ..... (4)Nothing in this Act shall be taken to prohibit the export			Page 3 and 4 of the report.
Individual Licensing	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 5 ibid** • The Pakistan BioSafety Rules 2005 **Rule 11** Prohibition and license requirements No person shall import export , sell ,purchase or trade living modified organisms-- -- without the prior obtaining of license from the	X	**Section 5 ibid**	
General Licensing	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004 **Section 5 ibid**			
Exceptions from licensing					

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Licensing of deemed export/visa					
National Licensing Authority		National Biosafety committee is a Federal Agency			Page 4 and 5 of the report
Interagency review for licenses		Practice exists to that effect			
Control Lists	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 **Section 4** 4.(1) The Federal Government shall maintain a Control Lists, to be notified separately, of goods and Technologies subject to licensing requirements under this Act. (2) The control lists shall be reviewed periodically, and revised or updated, as required by the Federal Government and notified accordingly. (3) The Federal Government shall notify all licensing requirements and procedures. (4)The Federal Government shall control export, re-export, transshipment, transit of goods, technologies, material and equipment, subject to the provisions of this Act, which may contribute to the designing, development, production , stockpiling, maintenance or use of nuclear and biological weapons and their delivery systems.			Page 4 and 5 of the report
Updating of Lists	X				
Inclusion of technologies	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 **Section 2 (l)** technology means any documents including blue prints, plans, diagram, models, formulae, tables, engineering, design or specifications, manuals or instructions, necessary for development and production of nuclear or biological weapons and their delivery system, ---- ------ **Section 4 ibid**			Page 4 and 5 of the report.
Inclusion of means of delivery	X				
End-user controls	X				
Catch all clause	X				

Intangible transfers	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 **Section 2 (i)(i)** Any document or information that is in public domain or is related to basic scientific research -------- **Section 4(4) ibid** • Officials Secrets Act 1923 **Section 5** 1.Wrongful communication, etc., of information: (1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relate to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, ---------- (a) willfully communicates the code or pass word (b) uses information in his possession (c) retain the sketch------ (d) fail to take reasonable care----------shall be guilty of the offence under this section (2) If a person voluntarily receive any secret official code--------shall be guilty of the offence under this section.	X	**Section 8 ibid** (3)A person guilty of an offence under this section shall be punishable,____ a)where offence committed --------directly or indirectly in benefit of foreign power------shall be punishable with death or with imprisonment which may extend to fourteen years.; b)in any other case, with imprisonment for a term which may extend to two years, or fine,----both	
Transit Control	X	• Export Control on Goods, Technology, Material Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 • Customs Act 1969	X	Section 4 ibid	Page 4 and 5 of the report
Trans-shipment control	X		X	Section 4 ibid	
Re-export control	X		X	Section 4 ibid	

Control of providing of funds	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 8 (2)** Any person who attempts to commits or abets to commission of an offense under this Act shall be proceeded against in the same manners as if he has committed such offence. • Anti Terrorism Act 1997 **Section 11-J and 11-N** 11-J **Funding Arrangements**.—A person commits an offence if (a)enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and (b)has reasonable cause to suspect that it will or may be used for the purposes of terrorism. • Pakistan Penal Code 1860	X	11-N **Punishment under section 11-H to 11-K**--------shall be punishable on conviction with imprisonment for a term not less than six months and not exceeding five years and with fine **213.Taking gift, etc., to screen an offender from punishment**: Whoever accept or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bring him to legal punishment. **if a capital offence**: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.	

				if punishable with imprisonment for life, or with imprisonment : and if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, shall also be liable to fine, and if the offence is punishable with imprisonment not extending to ten years, shall be punished with description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both. **214 Offering gift or restoration of property in consideration of screening offender** : Whoever gives or causes or offers or agrees to give or cause, any gratification to any person , or to restore or cause to restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person form legal punishment for any offence, or his not proceeding against any person for the purpose of bringing him to legal punishment, **if the a capital offence**: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine **if punishable with imprisonment for life or with imprisonment** : and the offence is punishable with imprisonment for life, or with imprisonment which may extend to three years, shall be punished with imprisonment of either description for a term may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punishable with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with or with both	

Control of providing transport services	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4 (4) ibid** • Pakistan Penal Code 1860	X	**Section 8 ibid** **Section 407** **Criminal breach of trust by the carrier, etc.** Whoever, being entrusted with such property as a carrier, wharfinger or ware house-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description which may extend to seven years, and shall also be liable to fine.	Offender can be prosecuted under abetment provision as well
Control of importation	X	• Import Policy Order 2004 • The Pakistan Animal Quarantine (Import and Export Animal and Animal Products) Ordinance 1979 • The Pakistan Biosafety Rules 2005			Page 3 of the report

Extraterritorial applicability	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 1** **It applies to** **(a)**every citizen of Pakistan or a person in service of Pakistan within and beyond Pakistan or any Pakistani visiting or working abroad **(b)** any Foreign national --- in Pakistan --- **(c)** any ground transport ship or air craft register in Pakistan • Pakistan Penal Code 1860 **Section 4 read with 108 A** **104.Extension** of Code of extra-territorial offences. The provisions of this Code apply also to any offence committed by—(1) any citizen of Pakistan or any person in the service of Pakistan in any place without and beyond Pakistan (2) and (3) omitted (4) any person on any ship or aircraft registered in Pakistan wherever may be. Explanation --- In this section the word "offence" includes every act committed outside Pakistan which, if committed in Pakistan would be punishable under this Code. 108A **Abetment in Pakistan, of offences outside it**. A person abets an offence within the meaning of this Code who, in Pakistan, abets the commission of any act without and beyond Pakistan which would constitute an offence committed in Pakistan			Page 4 of the report
Other					

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OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: **Pakistan**

Date of Report: **27 October 2004**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
Border control	X	• Chemical Weapon Convention ImplementationOrdinance, 2000 • Imports and Exports (Control) Act 1950 • SRO 482(I)/2000 • Customs Act 1969 • West Pakistan Rangers Ordinance 1959 **Section 13 read with 6** 6.The Force shall perform the following functions :- a. protection of persons and property in the border areas ; b. Apprehension of persons unlawfully entering into or going out of Pakistan territory c. Organization of village Defence in the border areas ; d. Prevention of smuggling e. Collection of intelligence in the border areas f. Coordinate of activities of Police and other civil agencies in the prevention and detection of smuggling 13(g)(vi)quits his guard, piquet, party or patrol, without being regularly relieved or without leave, shall be punished with rigorous imprisonment for a term which may extend to fourteen years----------	X		Page 7 of the report.

		• Airport Security Force Ordinance 1975 **Section 7 read with 6(e)(f)(g)** **6.Powers** and duties of officers and members.– (e) take effective measures for prevention hijacking, sabotage, placement of car bombs, letter bombs and dangerous articles, smuggling of precious metals, stones, arms, ammunition, narcotics and any other goods the brining into, or taking out of, Pakistan of which is prohibited by or under nay law for the time being in face ; (f) use such arms and ammunition of equipment as may be authorized by the Force Commander for the purpose of this Ordinance ; (g) search and arrest without warrant any person who he suspects of endangering, or attempting to endanger, or having endangered, the safety of an aerodrome or airport or an aircraft or a civil aviation installation and may use such force as may be necessary in the discharge of his duties aforesaid ; and (h) perform such other functions as the competent authority may require him to perform. (2)An officer, for the purpose of this Ordinance, shall exercise, within the areas in which this Ordinance applies, all the powers Station under the Police Act, 1861 (V of 1861), and the Code of Criminal Procedure, 1898 (Act V of 1898).			

		7. **Liabilities of officers and members.**—(1) it shall be the duty of every officer and member promptly to obey and to obey and to execute all orders and instructions issued to him by any competent authority (2) Every officer and member shall be liable to serve wherever he is required to serve by the competent authority • Pakistan Coast Guards Act 1973 **Section 3** 3.Powers to constitute and maintain the force and its functions.—The Federal Government may constitute and maintain a Force to be called the Pakistan Coast Guards for performing the following functions, namely :- (a)prevention of smuggling; (b)prevention of illegal immigration to and migration from the country ; (c)stopping enemy agents or saboteurs from Infiltrating into the country along the coastal areas; and (d)supplementing defense in war • The Pakistan Railway Police Act 1977 **Section 11 read with 3** **3.(1) Notwithstanding anything** contained in any other law for the time being in force, the Federal Government may constitute, control and maintain a force to be called the Pakistan Railways Police for performing, within such territorial limits as the Federal Government may, by notification in the official Gazette, specify the following functions, namely :- a)preventing loss to Railway property and property consigned to the Railways and prevention of offences in respect thereof; b)ensuring proper conduct of persons on the Railways; c)general maintenance of law and order on the Railways and taking cognizance of offences committed on them ; d)to render all possible assistance to passengers and railway servants ;			

		e)to protect travelers from injury to person or property ; f)to keep Railway platforms and other Railway premises clear of idlers and beggars and to keep a lookout for suspicious persons, smugglers and persons traveling with arms without a license or in contravention of rules, regulations or orders for the time being in force **11**.—(1). It shall be the duty of every officer and member promptly to obey and to execute all orders and instructions issued to him by the competent authority • Police Order 2002 **Section 5** Emergency duties of police with regard to essential services.__ (1) The Government may, in an emergency, by notification in the Official Gazette, declare any specified services to be an essential service to the community. (2) upon a declaration being made under clause (1) and so long as it remains in force, it shall be the duty of every police officer to obey any lawful order given by a senior police officer in relation to the declaration. • Maritime Security Act 1994 **Section 9 read with 10, 11, 12** 9 Application of the Pakistan Navy ordinance, 1961, etc.—(1) Subject to the provisions of this Act, every officer and member of the staff shall, whether appointed through initial recruitment or otherwise, unless he is already so subject, be subject to the Pakistan Navy Ordinance, 1961 (XXXV of 1961), hereinafter referred to as the said Ordinance. 10 Powers and functions of the Agency.—(1) The Agency shall be responsible for the regulation and protection of the maritime interests of Pakistan and to assert and enforce national jurisdiction and jurisdiction and sovereignty in the Maritime Zones. 2)Without prejudice to the generality of the provisions of sub-section (1), the functions of the Agency shall be to—			

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		(c)enforce the national and international laws agreements and conventions on and under the water in the Maritime Zones; ----------	
		(j)cooperate with, and provide assistance to Customs, Coast Guards and other departments, agencies and authorities in Maritime Zones in the discharge of their duties and functions (k)provide an effective secondary maritime force for deployment in any emergency, war or conflict, and (l)perform such other functions as may be assigned to it by the Federal Government, from time to time, io protect maritime interests of Pakistan 11.Other functions of the officers of Agency, etc.—(1) In addition to the powers and functions as officers of the Agency, such officers may perform functions of-- (i)Officers of customs as may be entrusted to them and exercise such powers under the Customs Act, 1969 (IV of 1969), as may be delegated to them under Section 6 of that Act, and	

(iii)Police Officer, and exercise all the powers conferred on an officer in charge of a Police Station under the Police Act, 1861(V of 1861), and under the Code of Criminal Procedure, 1898 (Act V of 1898).
(2)The Government may, at any time, assign or delegate any other functions or powers upon any officer of the Agency under any law for the time being in force in the Maritime Zones.

12 Power of searches, arrest, etc.—In exercise of the powers and performance of their functions under this Act, the officers and members of the staff may make inquiries, examinations, inspections, investigations, searches, seizures, and arrests for prevention, detection suppression of contravention of any law for the time being in force within the Maritime Zones and for that purpose the officers and members of the staff may board any vessel except ships, vessel or crafts of Pakistan Armed Forces.

- Karachi Port Trust Security Force Ordinance 2002

Section 3

. **Establishment, constitution and maintenance of the force, its powers and functions.**—(1) The chairman with the approval of the Federal Government shall establish, constitute and maintain a force to be called the Karachi Port Security Force to maintain security and safety of the Karachi Port Area for performing of the following functions, namely:-
-(a) maintain law and order in the Port Area and take cognizance of offences committed therein or connected thereto.

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		; (k) prevent pollution; spillage, waste fire hazards, chemical hazards, water hazards, biological hazards, hazardous waste and hazardous substances and also prevent the generation, collection transport treatment, disposal, storage, handling import, export of the same may be prescribed; and • Frontier Corp Ordinance 1959 **3.Powers** to maintain Frontier Corps.—There shall continue to be maintained by the Central Government the Frontier Corps forces or units as listed in the First Schedule, primarily for the better protection and administration of the external frontiers of Pakistan within the limits of or adjoining the Special Areas of West Pakistan • Civil/ Armed Forces Entrustment of Power Through Custom Rules ,Notifications & SRO' s SRO 29 (I)/73 **ENTRUSTMENT OF THE FUNCTIONS OF CUSTOMS OFFICERS TO OFFICERS OF WEST PAKISTAN RANGERS** Notification No.SRO 29(I)/73 dated 3rd January, 1973.—In exercise of the powers conferred by section 6 of the Customs Act, 1969 (IV of 1969), and in suppression of its Notifications No.SRO 314 and 315, dated the 11th July, 1959, the Central Board of Revenue is pleased to entrust, the functions of officers of customers under sections 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167,m sub-sections (1), (3) and (4) of section 168, sections 169 and 171 of the said Act to all officers of the West Pakistan Rangers not below the rank of Sub-Inspector (and all officers of the West Pakistan Rangers not below the rank of Havildar only the Powers under sections 158, 159, 161 and 164 of the said act).			

		SRO 524(I)/74 **ENTRUSTMENT OF POWERS TO THE OFFICERS OF THE FRONTIER CONSTABULARY** Notification No.SRO 524(I)/74, dated 23rd April, 1974.—In exercise of the powers conferred by section 6 of the Customs Act, 1969 (IV of 1969), the Central Board of Revenue is pleased to entrust, subject to such limitations and restrictions as are laid down in the Rules made under the said Act, to the officers of the Frontier Constabulary specified in the first column of the Table below, the functions of officers of Customs under the provisions of the said Act..... SRO 1017(I)/74 **ENTRUSTMENT TO POWERS OF THE OFFICERS OF CUSTOMS TO THE OFFICERS OF THE FRONTIER CORP** Notification No.SRO 1017(I)/74, dated 26th July, 1974.—In exercise of the powers conferred by section 6 of the Customs Act, 1969 (IV of 1969),the Central Board of revenue is pleased to entrust to the officers of the Frontier Corps, operating within 2(sixty kilometers) along the international borders adjoining the Province of Baluchistan 3(and North Western Frontier Province), as specified in the first column of the Table below the functions of officers of customs under the provisions of the said Act specified.... Customs or other law enforcement agencies keep tight vigil. • Custom Authority			

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14	Technical support of border control measures	X	• Bilateral, technical cooperation with different countries . • Capacity building technical courses. • Special training to detect sensitive materials • Deployment of scanners, etc • Collaboration/cooperation with international organizations. • Custom General Order 2005 **Chapter –IX** **STORAGE, DISPOSAL & SAMPLING OF SEIZED AND CONFISCATION GOODS____ INSTRUCTIONS REGARDING** 32.Storage by law enforcing agencies.—For Law Enforcement agencies hereinafter referred to as Agencies, including the Civil Armed Forces of Pakistan who have delegated anti- smuggling powers under the Custom act, 1969. The following directions are issued for strict compliance:- VIII. Appointment of State-warehouses IX. Appointment of custodians X. Working of the State-warehouses XI. ---------- XII. ---------- XIII. Inspection of seized goods and sampling thereof. XIV. ---------- • Pakistan Council of Scientific and Industrial Research Act 1973 **Section 6** **The functions of the Council shall be----** d) undertake such special scientific and technological surveys and investigations as may be referred to it by the Federal Government /from time to time.	X		Page 7 of the report. PCSIR provides technical assistance in investigating the material found during Border Control operations that can facilitate prosecution

Control of brokering , trading in, negotiating, otherwise assisting in sale of goods and technology	X	• Chemical Weapons Convention Implementation Ordinance 2000 **Section 3 read with 21 Prohibition on development, etc of chemical weapons**.--- (1) No person shall-(a) develop, produce, otherwise, acquire, or stockpile or retain in chemical weapon, or transfer, directly or indirectly, a chemical weapon to anyone; (b) use a chemical weapon; (c) engage in any military preparation to use chemical weapon; (d) assist, encourage or induce, in any way, any other person to engage in any activity prohibited to a State party under the Convention; Convention; (e) use a riot control agent as a method of warfare **21.Disclosure of information. (1)** Any person who produces, possesses, consumes, transfers, exports or imports any schedule chemical or produces discrete organic chemical not being the scheduled chemical or a chemical containing the elements phosphorous, sulphur or fluorine or who hold a riot control------ a)provide the prescribed information, at the prescribed time and in the prescribed form, to the National Authority; and b)keeps and maintain the prescribed documents in Pakistan, at his place of business or such other place as may be specified by the National Authority, in the prescribed manner and for the prescribed period; and)on request, provide documents to the National Authority			

		• Officials Secrets Act 1923 **Section 5** 1.Wrongful communication, etc., of information: (1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relate to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, --------- (a) willfully communicates the code or pass word (b) uses information in his possession (c) retain the sketch------ (d) fail to take reasonable care----------shall be guilty of the offence under this section (2) If a person voluntarily receive any secret official code--------shall be guilty of the offence under this section.		(3)A person guilty of an offence under this section shall be punishable,____ a)where offence committed -------directly or indirectly in benefit of foreign power-----shall be punishable with death or with imprisonment which may extend to fourteen years.; b)in any other case, with imprisonment for a term which may extend to two years, or fine,----both.	
		• Defence of Pakistan Ordinance 1965 **Section 3(2)** 3(2)(xxv)prohibiting or regulating the possession, use or disposal of— a)explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunitions of war; b)vessels, c)wireless telegraphic apparatus, or any other apparatus capable of transmitting messages, d)aircraft, and e)photographic and signaling apparatus and any means of recording information		imprisonment for a term which may extend to five years and also be liable to fine---	

		• Imports and Exports (Control) Act 1950 **Section 4A, 4B read with 5** 4-A No person shall sell, purchase or otherwise deal in any import licence other than an import licence issued---- 4-B Except with pervious permission in writing----------no person shall sell or otherwise transfer such goods, use the goods for a purpose other than the purpose or purposes for which the licence is issued----------.		5 If any person contravenes any provision of this Act be punishable with imprisonment for a term which may extend to one year, or with fine, or with both	
Enforcement agencies/authorities	X	• Federal Investigation Agencies Act 1974 • West Pakistan Rangers Ordinance 1959 • The Pakistan Railway Police Act 1977 • Pakistan Coast Guards Act 1973 • Airport Security Force Ordinance 1975 • Police Order 2002 • Maritime Security Act 1994 • Karachi Port Trust Security Force Ordinance 2002 • Frontier Corp Ordinance 1959			Page 5 of the report
Export control legislation in place	X	• The Imports and Exports (Control) Act, 1950 • Export Policy Order 2004 • Chemical Weapons Convention Implementation Ordinance – 2000. • Passenger Non- Tourist Baggage Rules 1998 **Section 4** Prohibition on import of arms, ammunition, etc. ___ Arms, ammunition,----------shall not be imported under these rules.	X		Page 3 of the report

Licensing provisions	X	• SRO 482(1)/2000 • Chemical Weapons Convention Implementation Ordinance 2000 **Section 23** **Registration**.— (1) The National Authority may, directly or through notice, require an individual or organization involved in production, processing, consumption, transfer, import or export of any schedule chemical or any discrete organic chemical not being a schedule chemical, or a chemical containing elements of phosphorous, sulfur, or fluorine, to register themselves with the National Authority or any other office as may be prescribed within a specified time period.	X	(2) Whoever contravenes the provisions of this section shall be guilty of an offence punishable with imprisonment for a term, which may extent to two years, or with fine, or with both.	
Individual licensing	X	• Chemical Weapons Convention Implementation Ordinance 2000 **Section 23 ibid** • SRO 482(I)/2000		**Section 12 (2)(b)**	
General licensing	X	• Chemical Weapons Convention Implementation Ordinance 2000 **Section 23 ibid** • SRO 482 (I)/2000			
Exceptions from licensing					
Licensing of deemed export/visa	X	• SRO 482 (I)/2000 • Chemical Weapons Convention Implementation Ordinance 2000 **Section 23 ibid**			
National licensing authority	X	• Ministry of Foreign Affairs			Page 4 of the report.
Interagency review for license	X	• Ministry of Commerce • SRO 482 (I) /2000			Page 6 of the report.

Control lists	X	• Chemical Weapons Convention Implementation Ordinance-2000, • The Imports and Exports (Control) Act, 1950 • SRO 482 (I) /2000			Page 8 of the report.
Updating of lists	X	• Federal Government Notifications • Custom SRO & CGO			
Inclusion of technologies	X	• Chemical Weapons Convention Implementation Ordinance-2000. **Section 3** **Prohibition on development, etc of chemical weapons**.--- (1) No person shall- (a) develop, produce, otherwise, acquire, or stockpile or retain in chemical weapon, or transfer, directly or indirectly, a chemical weapon to anyone; (b) use a chemical weapon; (c) engage in any military preparation to use chemical weapon, (d) assist, encourage or induce, in any way, any other person to engage in any activity prohibited to a State party under the Convention;	X	(3) Whoever contravenes the provisions of this section shall be guilty of an offence punishable with imprisonment for a term which may extend to twenty five years.	Page 7 of the report.
Inclusion of means of delivery	X	• Chemical Weapons Convention Implementation Ordinance-2000. **Section 2(c)** (ii) a munition or device specifically design to cause death------- (iii) any equipment specifically designed for use directly in connection with the employment of a munition or device--- • SRO 482 (I) /2000			
End-user controls	X	• SRO 482 (I)/ 2000		•	Page 7 of the report.
Catch all clause	X	• Chemical Weapons Convention Implementation Ordinance-2000 • SRO 482 (I) /2000			Page 7 of the report.

36	Intangible transfers	X	• Officials Secrets Act 1923 **Section 5** 1 Wrongful communication, etc. of information. (1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relate to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, ---------- (e) willfully communicates the code or pass word (f) uses information in his possession (g) retain the sketch------ (h) fail to take reasonable care----------shall be guilty of the offence under this section (2) If a person voluntarily receive any secret official code--------shall be guilty of the offence under this section • The Defence of Pakistan Ordinance 1965 **Section 3(2)** 3(2)(xxv)prohibiting or regulating the possession, use or disposal of— a)explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunitions of war; b)vesseis c)wireless telegraphic apparatus, or any other apparatus capable of transmitting messages, d)aircraft, and e)photographic and signaling apparatus and any means of recording information	X	(3)A person guilty of an offence under this section shall be punishable, a)where offence committed -------directly or indirectly in benefit of foreign power-----shall be punishable with death or with imprisonment which may extend to fourteen years ; b)in any other case, with imprisonment for a term which may extend to two years, or fine,----both imprisonment for a term which may extend to five years and also be liable to fine---	

Transit control	X	• Custom Act 1969 **Section 129** 129 Transit of goods across Pakistan to a foreign territory.-- Where any goods are entered for transit across Pakistan to a destination outside Pakistan, the appropriate officer may, subject to the provisions of the rules, allow the goods to be so transited without payment of the duties which would otherwise be chargeable on such goods. Provided that the Federal Government may, by notification in the official Gazette, prohibit the bringing into Pakistan by sea, land or air in transit to a foreign territory any goods or class of goods. • SRO 482 (I) /2000			
Trans-shipment control	X	• Chemical Weapons Convention Implementation Ordinance-2000 • Custom Notification SRO 7 (I)/ 2001 **Rule 333** Goods not permitted for transshipment.—The following goods shall not be allowed transshipment to up-country customs port or stations-- a ---------- b ---------- c ---------- d explosive, as defined in the Explosive Act, 1884 e. arms and ammunition ------- (as defined in Arms Act 1878 and its successor Act , Pakistan Arms Ordinance 1965.)			Page 7 of the report

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Re-export control	X	• Custom Notification SRO. 7 (I)/ 2001 **Rule 253 & 357** **253.Re-export** of imported inputs goods.—(1) The licensee may be allowed to re-export input goods imported for manufacture of export goods under these rules in their original and unprocessed form within three years of their import subject to the limitations and restrictions of Import Policy Order and Export Trade Control Order for the time being in force. **357.Re-export** of ware-housed goods.—(1) The Licensee of a warehouse may be allowed by the officer not below the rank of an Additional Collector of Customs to re-export the warehouse goods in their original and unprocessed form within three years of their import subject to the conditions, limitations and restrictions of the Acts, Import Policy Order and Export Trade Control Order for the time being in force. • SRO 482 (I) /2000			

Control of providing funds	X	• Chemical Weapons Convention Implementation Ordinance-2000 **Section 3** **3 . Prohibition on development, etc of chemical weapons** — (1) No person shall- (a) develop, produce, otherwise, acquire, or stockpile or retain in chemical weapon, or transfer, directly or indirectly, a chemical weapon to anyone; (b) use a chemical weapon; (c) engage in any military preparation to use chemical weapon; (d) assist, encourage or induce, in any way, any other person to engage in any activity prohibited to a State party under the Convention; (e) use a riot control agent as a method of warfare.--------- • Anti-Terrorism Act 1997 **Section 11- J and 11-N** 11-J **Funding Arrangements**.—A person commits an offence if he- (a) enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and (b) has reasonable cause to suspect that it will or may be used for the purposes of terrorism. • Pakistan Penal Code 1860	X	(3) Whoever contravenes the provisions of this section shall be guilty of an offence punishable with imprisonment for a term which may extend to twenty five years. 11-N **Punishment under section 11-H to 11-K**-------shall be punishable on conviction with imprisonment for a term not less than six months and not exceeding five years and with fine. **Section 213 & 214** **Taking gift, etc., to screen an offender from punishment.** Whoever accept or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bring him to legal punishment	

				if a capital offence: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; **if punishable with imprisonment for life, or with imprisonment** : and if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, shall also be liable to fine and if the offence is punishable with imprisonment not extending to ten years, shall be punished with description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both. **Offering gift or restoration of property in consideration of screening offender** : Whoever gives or causes or offers or agrees to give or cause, any gratification to any person , or to restore or cause to restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person form legal punishment for any offence, or his not proceeding against any person for the purpose of bringing him to legal punishment: **if the a capital offence**: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine; **if punishable with imprisonment for life or with imprisonment** : and the offence is punishable with imprisonment for life, or with imprisonment which may extend to three years, shall be punished with imprisonment of either description for a term may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punishable with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with or with both	

Control of providing transport services	X	• National Highway Safety Ordinance 1997 **Section 65 (f)(h)(i)** Establishment of a police for National Highway (f)under take initial action in respect of offences committed on National Highways and then transfer the cases to the concerned Police Station for Investigation. (h)to keep Highways clear from any encroachment and keep a look out for suspicious persons and criminals. (i)take into possession any abandoned property for its disposal under the law • Railway Act 1890 **Section 59 (1)** No person shall be entitled to take with him, or to require a railway administration to carry, any dangerous or offensive goods upon a railway.			Offender can be prosecuted under abetment provision as well.
Control of importation	X	• Import Policy Order 2004 • The Explosives Rule 1940 **Chapter III Part III** **Importation by Land.** No explosive shall be imported by land save with the previous sanction in each case of the Central Government and under such conditions and restriction as it may impose.			Page 3 of the report.

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Extraterritorial applicability	X	• Chemical Weapon Convention Implementation Ordinance 2000 **Section 25** The provision of this ordinance apply to any offence committed by (a) any citizen of Pakistan or any person in service of Pakistan in any place without and beyond Pakistan b) any person on any ship or aircraft registered in Pakistan wherever it may be • Pakistan Penal Code 1860 **Section 4 read with 108 A** **4.Extension of** Code of extra-territorial offences: The provisions of this Code apply also to any offence committed by—(1) any citizen of Pakistan or any person in the service of Pakistan in any place without and beyond Pakistan (2) and (3) omitted (4) any person on any ship or aircraft registered in Pakistan wherever may be. Explanation.— In this section the word "offence" includes every act committed outside Pakistan which, if committed in Pakistan would be punishable under this Code. **108A.** **Abetment in Pakistan, of offences outside it.** A person abets an offence within the meaning of this Code who, in Pakistan, abets the commission of any act without and beyond Pakistan which would constitute an offence committed in Pakistan.			
Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of NW including Related Materials

State: Pakistan

Date of Report: 27 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
Border control	X	• Pakistan Nuclear Regulatory Ordinance 2001 **Section 19** Power to issue licence.__ (1) No person shall, unless he is exempted as may prescribed by the regulations, or unless he is the holder of a licence issued by the Authority---------- (2) Subject to sub-section (1),the Authority may, on application made to it accompanied by such fee, information and documents, as may be prescribed by the regulations, issued a licence for carrying out of such activities as are specified in the licence for such period as may - ----------. • Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4(4)** (4) The Federal Govt shall control export , re export , transshipment, transit of goods , technologies material and equipment ---------- which may contribute to designing, development, production, stockpiling, ---- use of nuclear and biological weapons and the delivery systems	X		Page 7 of the report

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		• Customs Act 1969 • Imports and Exports (Control) Act 1950 • SRO 111(I)/2004			
		• West Pakistan Rangers Ordinance 1959 **Section 13 read with 6** 6 The Force shall perform the following functions :- a protection of persons and property in the border areas ; b Apprehension of persons unlawfully entering into or going out of Pakistan territory c Organization of village Defence in the border areas ; d Prevention of smuggling e Collection of intelligence in the border areas f Coordinate of activities of Police and other civil agencies in the prevention and detection of smuggling 13(g)(vi)quits his guard, piquet, party or patrol, without being regularly relieved or without leave, shall be punished with ngorous imprisonment for a term which may extend to fourteen years---------- • Airport Security Force Ordinance 1975 **Section 7 read with 6(e)(f)(g)** members.-- (e) take effective measures for prevention hijacking, sabotage, placement of car bombs, letter bombs and dangerous articles, smuggling of precious articles, smuggling of precious metals, stones, arms, ammunition, narcotics and any other goods the brining into, or taking out of, Pakistan of which is prohibited by or under nay law for the time being in face ; (f) use such arms and ammunition of equipment as may be, authorized by the Force Commander for the purpose of this Ordinance ; (g) search and arrest without warrant any person who he suspects of endangering, or attempting to endanger, or having endangered, the safety of an aerodrome or airport or an aircraft or a civil aviation installation and may use such force as may be necessary in the discharge of his duties aforesaid ; and (h) perform such other functions as the competent authority may require the him to perform			

		(2)An officer, for the purpose of this Ordinance, shall exercise, within the areas in which this Ordinance applies, all the powers conferred on an officer in-charge of a Police Station under the Police Act, 1861 (V of1861), and the Code of Criminal Procedure, 1898 (Act V of 1898). **7. Liabilities of officers and members.—(1)** it shall be the duty of every officer and member promptly to obey and to obey and to execute all orders and instructions issued to him by any competent authority. (2) Every officer and member shall be liable to serve wherever he is required to serve by the competent authority. • Pakistan Coast Guards Act 1973 **Section 3** **3.**Powers to constitute and maintain the force and its functions.—The Federal Government may constitute and maintain a Force to be called the Pakistan Coast Guards for performing the following functions, namely :- (a)prevention of smuggling; (b)prevention of illegal immigration to and migration from the country ; (c)stopping enemy agents or saboteurs from Infiltrating into the country along the coastal areas; and (d)supplementing defense in war. • The Pakistan Railway Police Act 1977 **Section 11 read with 3** **3.(1)** Notwithstanding anything contained in any other law for the time being in force, the Federal Government may constitute, control and maintain a force to be called the Pakistan Railways Police for performing, within such territorial limits as the Federal Government may, by notification in the official Gazette, specify the following functions, namely :- a)preventing loss to Railway property and property consigned to the Railways and prevention of offences in respect thereof; b)ensuring proper conduct of persons on the Railways; c)general maintenance of law and order on the Railways and taking cognizance of offences committed on them ; d)to render all possible assistance to passengers and railway servants			

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		e)to protect travelers from injury to person or property ; f)to keep Railway platforms and other Railway premises clear of idlers and beggars and to keep a lookout for suspicious persons, smugglers and persons traveling with arms without a license or in contravention of rules, regulations or orders for the time being in force **11** —(1) It shall be the duty of every officer and member promptly to obey and to execute all orders and instructions issued to him by the competent authority. • Police Order 2002 **Section 5** Emergency duties of police with regard to essential services.__ (1) The Government may, in an emergency, by notification in the Official Gazette, declare any specified services to be an essential service to the community. (2) upon a declaration being made under clause (1) and so long as it remains in force, it shall be the duty of every police officer to obey any lawful order given by a senior police officer in relation to the declaration. • Maritime Security Act 1994 **Section 9 read with 10, 11, 12** 9.Application of the Pakistan Navy ordinance, 1961, etc —(1) Subject to the provisions of this Act, every officer and member of the staff shall, whether appointed through initial recruitment or otherwise, unless he is already so subject, be subject to the Pakistan Navy Ordinance, 1961 (XXXV of 1961), hereinafter referred to as the said Ordinance. 10 Powers and functions of the Agency.—(1) The Agency shall be responsible for the regulation and protection of the maritime interests of Pakistan and to assert and enforce national jurisdiction and jurisdiction and sovereignty in the Maritime Zones. 2)Without prejudice to the generality of the provisions of sub-section (1), the functions of the Agency shall be to--			

		c)enforce the national and international laws agreements and conventions on and under the water in the Maritime Zones; --- (j)cooperate with, and provide assistance to Customs, Coast Guards and other departments, agencies and authorities in Maritime Zones in the discharge of their duties and functions; (k)provide an effective secondary maritime force for deployment in any emergency, war or conflict; and (l)perform such other functions as may be assigned to it by the Federal Government, from time to time, to protect maritime interests of Pakistan. 11.Other functions of the officers of Agency, etc.—(1) In addition to the powers and functions as officers of the Agency, such officers may perform functions of— (i)Officers of customs as may be entrusted to them and exercise such powers under the Customs Act, 1969 (IV of 1969), as may be delegated to them under Section 6 of that Act, and (ii)Police Officer, and exercise all the powers conferred on an officer in charge of a Police Station under the Police Act, 1861(V of 1861), and under the Code of Criminal Procedure, 1898 (Act V of 1898). (2)The Government may, at any time, assign or delegate any other functions or powers upon any officer of the Agency under any law for the time being in force in the Maritime Zones. 12.Power of searches, arrest, etc.—In exercise of the powers and performance of their functions under this Act, the officers and members of the staff may make inquiries, examinations, inspections, investigations, searches, seizures, and arrests for prevention, detection suppression of contravention of any law for the time being in force within the Maritime Zones and for that purpose the officers and members of the staff may board any vessel except ships, vessel or crafts of Pakistan Armed Forces			

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		• Karachi Port Trust Security Force Ordinance 2002 **Section 3** . **Establishment, constitution and maintenance of the force, its powers and functions.**—(1) The chairman with the approval of the Federal Government shall establish, constitute and maintain a force to be called the Karachi Port Security Force to maintain security and safety of the Karachi Port Area for performing of the following functions, namely:- (a) maintain law and order in the Port Area and take cognizance of offences committed therein or connected thereto (k) prevent pollution, spillage, waste fire hazards, chemical hazards, water hazards, biological hazards, hazardous waste and hazardous substances and also prevent the generation, collection transport treatment, disposal, storage, handling import, export of the same may be prescribed; and • Frontier Corp Ordinance 1959 **3.Powers** to maintain Frontier Corps.—There shall continue to be maintained by the Central Government the Frontier Corps forces or units as listed in the First Schedule, primarily for the better protection and administration of the external frontiers of Pakistan within the limits of or adjoining the Special Areas of West Pakistan			

		• Civil/ Armed Forces Entrustment of Power Through Custom Rules, Notifications & SRO's SRO 29 (I)/73 **ENTRUSTMENT OF THE FUNCTIONS OF CUSTOMS OFFICERS TO OFFICERS OF WEST PAKISTAN RANGERS** Notification No.SRO 29(I)/73 dated 3rd January, 1973.—In exercise of the powers conferred by section 6 of the Customs Act, 1969 (IV of 1969), and in suppression of its Notifications No.SRO 314 and 315, dated the 11th July, 1959, the Central Board of Revenue is pleased to entrust; the functions of officers of customers under sections 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167,m sub-sections (1), (3) and (4) of section 168, sections 169 and 171 of the said Act to all officers of the West Pakistan Rangers not below the rank of Sub-Inspector (and all officers of the West Pakistan Rangers not below the rank of Havildar only the Powers under sections 158, 159, 161 and 164 of the said act).			

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		SRO 524(I)/74 **ENTRUSTMENT OF POWERS TO THE OFFICERS OF THE FRONTIER CONSTABULARY** Notification No.SRO 524(I)/74, dated 23rd April, 1974.—In exercise of the powers conferred by section 6 of the Customs Act, 1969 (IV of 1969), the Central Board of Revenue is pleased to entrust, subject to such limitations and restrictions as are laid down in the Rules made under the said Act, to the officers of the Frontier Constabulary specified in the first column of the Table below, the functions of officers of Customs under the provisions of the said Act..... SRO 1017(I)/74 **ENTRUSTMENT TO POWERS OF THE OFFICERS OF CUSTOMS TO THE OFFICERS OF THE FRONTIER CORP** Notification No.SRO 1017(I)/74, dated 26th July, 1974.—In exercise of the powers conferred by section 6 of the Customs Act, 1969 (IV of 1969),the Central Board of revenue is pleased to entrust to the officers of the Frontier Corps, operating within 2(sixty kilometers) along the international borders adjoining the Province of Baluchistan 3(and North Western Frontier Province), as specified in the first column of the Table below the functions of officers of customs under the provisions of the said Act specified..... Customs or other law enforcement agencies keep tight vigil			

Technical support of border control measures	X	• Bilateral, technical cooperation with different countries. • Capacity building technical courses. • Special training to detect sensitive materials • Deployment of scanners, etc • Collaboration/cooperation with international organizations. • Custom General Order 2005 **Chapter –IX** **STORAGE, DISPOSAL & SAMPLING OF SEIZED AND CONFISCATION GOODS____ INSTRUCTIONS REGARDING** 32.Storage by law enforcing agencies.—For Law Enforcement agencies hereinafter referred to as Agencies, including the Civil Armed Forces of Pakistan who have delegated anti- smuggling powers under the Custom act, 1969. The following directions are issued for strict compliance:- XV. Appointment of State-warehouses XVI. Appointment of custodians XVII. Working of the State-warehouses XVIII. ---------- XIX. ---------- XX. Inspection of seized goods and sampling thereof. XXI. ---------- • Pakistan Council of Scientific and Industrial Research Act 1973 **Section 6** **The functions of the Council shall be—** d) undertake such special scientific and technological surveys and investigations as may be referred to it by the Federal Government /from time to time	X	Page 7 of the report PCSIR provides technical assistance in investigating the material found during Border Control operations that can facilitate prosecution

Control of brokering, trading in, negotiating, otherwise assisting in sale of good and technology	X	• Pakistan Nuclear Regulatory Authority Ordinance 2001. **Section 19 (c)** **Section 19** Power to issue Licence __(1)No person shall, unless he is exempted as may prescribed by the regulations, or unless he is the holder of a licence issued by the Authority---------- (c) explore for mines and mill, extract acquire handle use , ----------, sell ,lease lend by transfer import export convert enrich, produce , store ,process ,reprocess, fabricate, transport , dispose of any radioactive ore , radio active material, nuclear substance or any other substance as the authority may by notification---- specify • Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 • Officials Secrets Act 1923 **Section 5** 1.Wrongful communication, etc., of information: (1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relate to or is used in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, ---------- (a) willfully communicates the code or pass word (b) uses information in his possession (c) retain the sketch---- (d) fail to take reasonable care----------shall be guilty of the offence under this section (2) If a person voluntarily receive any secret official code-------shall be guilty of the offence under this section	X	(3)A person guilty of an offence under this section shall be punishable----- a)where offence committed ------directly or indirectly in benefit of foreign power----shall be punishable with death or with imprisonment which may extend to fourteen years b)in any other case, with imprisonment for a term which may extend to two years, or fine----both	

		• Defence of Pakistan Ordinance 1965 **Section 3(2)** 3(2)(xxv prohibiting or regulating the possession, use or disposal of— a)explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunitions of war, b)vessels, c)wireless telegraphic apparatus, or any other apparatus capable of transmitting messages, d)aircraft, and e)photographic and signaling apparatus and any means of recording information • Imports and Exports (Control)Act 1950 **Section 4A, 4B read with 5** 4-A No person shall sell, purchase or otherwise deal in any import licence other than an import licence issued— 4-B Except with pervious permission in writing————no person shall sell or otherwise transfer such goods, use the goods for a purpose other than the purpose or purposes for which the licence is issued————		imprisonment for a term which may extend to five years and also be liable to fine— 5 If any person contravenes any provision of this Act be punishable with imprisonment for a term which may extend to one year, or with fine, or with both	
Enforcement agencies/authorities	X	• Pakistan Customs • Federal Investigation Agencies Act 1974 • West Pakistan Rangers Ordinance 1959 • The Pakistan Railway Police Act 1977 • Pakistan Coast Guards Act 1973 • Airport Security Force Ordinance 1975 • Police Order 2002 • Maritime Security Act 1994 • Karachi Port Trust Security Force Ordinance 2002 • Frontier Corp Ordinance 1959			Page 5 of the report

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Export control legislation in place	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, of 23 September 2004.	X	**Section 8** 8(1) Any person who contravenes------ shall be guilty for an offence punishable on conviction by imprisonment for a term which may extend to 14 years and with fine not exceeding 5 million rupees or both and---. Property and assets where ever they may be shall be forfeited to Federal Government.	Page 3 and 4 of the report.
		• Pakistan Nuclear Regulatory Authority Ordinance (PNRA), of 2001 Ordinance No. III of 2001		**Section 44 (1)** 44(1) Any person who contravenes ---- shall be punished – for a term -----extend to 7 years or with fine which may extend to 1 million or with both	
		• The Imports and Exports (Control) Act, 1950 • Pakistan Nuclear Safety and Radiation Protection (PNSRP) Regulation of 1990. Nuclear substances and radioactive materials • Export Policy Order 2004 (EPO)			
		• Customs Act 1969		**Section 156 (Provide punishments for offences under this Act)**	

Licensing provisions	X	• Pakistan Nuclear Regulatory Authority Ordinance (PNRA), 2001 Ordinance No. III of 2001, **Sections 19 to 23** **19.Power to issue license**.__ (1) No person shall, unless he is exempted as may prescribed by the regulations, or unless he is the holder of a licence issued by the Authority---------- (2) Subject to sub-section (1), the Authority may, on application made to it accompanied by such fee, information and documents, as may be prescribed by the regulations, issued a licence for carrying out of such activities as are specified in the licence for such period as may ----------. **20.Power to grant authorization**.___ (1) The Authority may, on application made to it accompanied by such fee, information and documents, as may be prescribed by the regulations, grant an authorization for carrying out such activities as are specified in the authorization for such period as it may specify----------. **21.Authorization prior to licensing**.__ No person shall commence construction of any nuclear installation without first obtaining an authorization ---------from the Authority as may be prescribed by regulation. **22.Authorization prior to radioactive** waste discharge and disposal.___ No person shall discharge, or dispose of, radioactive waste to environment without first obtaining an authorization ----------from the Authority------. **23Authorization for nuclear powered vehicle, vessel or aircraft, and any vehicle, vessel or aircraft carrying nuclear material**.-----No person shall cause a nuclear powered vehicle, vessel or aircraft, and vehicle, vessel or aircraft carrying nuclear material to enter in Pakistan without first obtaining an authorization for this purpose from the Authority as may be prescribed by regulation.	X		Page 4 of the report

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Individual licensing	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, of 23 September 2004 **Section 5** **5.The Federal Govt shall control export, re-export, transshipment,** transit of goods, technologies, material and equipment, subject to the provisions of this Act, which may contribute to the designing, development, production , stockpiling, maintenance or use of nuclear and biological weapons and their delivery systems • Pakistan Nuclear Regulatory Authority Ordinance (PNRA), 2001 Ordinance No. III of 2001, **Sections 19 to23 ibid**			
General licensing	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, of 23 September 2004 **Section 5 Ibid** • Pakistan Nuclear Regulatory Authority Ordinance (PNRA), 2001 Ordinance No. III of 2001, **Sections 19 to23 ibid**			
Exceptions from licensing					

Licensing of deemed export/visa	X	• Pakistan Nuclear Safety and Radiation Protection (PNSRP) 1990 **Rule 20** **20. No Objection Certificate** (1)Any Person desirous of importing and exporting ,radioactive material, or radiation apparatus, shall apply to the Director for No Objection Certificate. (2) The Director may require the applicant to produce invoices or other documents which may show the origin ,technical specifications and other details as the Director may deem necessary. (3) The Director may defer the consideration of the application and may require the applicant to do such other acts which he deems necessary and under the safety standards laid down in these			
National licensing authority	X	• Pakistan Nuclear Regulatory Authority Act 2001 **Section 19 ibid**			Page 4 of the report
Interagency review for licenses	X	• SRO 111(I)/2004 • Pakistan Nuclear Regulatory Authority Act 2001 **Section 24** **24. Cancellation or Suspension of an authorization or a License** (1)Where any person has been found to have contravened any of the provisions of this Ordinance , the rules regulations, or has consistently failed to comply with terms and conditions of an authorization or as the case may be , a licence ,the Authority may subject to sub- section (2), cancel or suspend the authorization or, as the case may be, the licence. (2) Before taking any action taken under sub- section (1),the Authority shall issue a notice to such person to show cause and give him an opportunity of being heard or an opportunity to rectify the ommi9sinon subject such conditions as the Authority may specify.			Custom Department and PNRA liaison and an NOC is required from Ministry of Foreign Affairs

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		• Pakistan Nuclear Safety and Radiation Protection (PNSRP) 1990 **Rule 16,17** **16.Suspension of License** If at any time on receiving the information or otherwise the Director is of the opinion that the licensee is violating any provision of the ordinance or these regulation or any of the terms and condition of the license ,he may order immediate stoppage of the work or order such other action as may be necessary to stop, minimize or check the increase in the level of radiation ,or any nuclear damage ,provided that if the licensee fails to comply with such orders the Director may carry out the same at the cost of the licensee **17. Revocation /surrender of Licence** (1)After giving an opportunity of showing cause ,and on being satisfied that the licensee has violated the provisions of the ordinance or of these regulations or the terms and condition of licence, the Director may revoke the licence (2)The Licensee shall have a right to surrender his licence by giving three months prior notice to the Director			

Control list	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 **Section 4** (1) The Federal Government shall maintain a Control Lists, to be notified separately, of goods and Technologies subject to licensing requirements under this Act (2) The control lists shall be reviewed periodically, and revised or updated, as required by the Federal Government and notified accordingly. (3) The Federal Government shall notify all licensing requirements and procedures			The existing PNRA Ordinance provides for controls over export and other transfer of radioactive material and nuclear substances section 16, 19 and 23. Ministry of Commerce has notified this in its Export Policy and Procedure Order 2000 as amended by SRO No III (I)/ 2004
Update of list	X	• Federal Government Notifications • Custom SRO & CGO • Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 **Section 4 ibid** • Customs Act 1969 **Section 16.**			Page 4 and 5 of the report

Inclusion of technologies	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, of 2004 **Section 2 (l)** technology means any documents including blue prints, plans diagram, models, formulae, tables, engineering, design or specifications, manuals or instructions, necessary for development and production of nuclear or biological weapons and their delivery system. ---- ----- **Section 4(4) ibid** • Custom General Order 2005 **Restrictions – section 95** **Industrial policy-recognized industry**.--- The Government has liberalized its industrialized policy and sanctioning procedure have been deregulated. According to this policy, the sanction of the Government is required only in the following cases - (i) ---------- (ii)Arms and ammunition (iii)---------- (iv)High explosives (v)----------		**Section 8 ibid**	Page 4 and 5 of the report
Inclusion of means of delivery	X	Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 **Section 4 ibid**			Page 4 and 5 of the report
End-user controls	X	• The Explosive Act 1884 • The Explosives Substance act 1908 • The Pakistan Arms Ordinance 1965 • Surrender of Illicit Arms Act 1991 • The Anti terrorism Act 1997			Page 4 and 5 of the report

Catch all clause	X	• Export Control on Goods Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, of **Section 4 ,5** 4**(1) The Federal Govt shall maintain a Control Lists, to be notified** separately, of goods and Technologies subject to licensing requirements under this Act. (2) The control lists shall be reviewed periodically, and revised or updated, as required by the Federal Govt and notified accordingly. (3) The Federal Govt shall notify all licensing requirements and procedures. 5.**The Federal Govt shall control export, re-export, transshipment,** transit of goods, technologies, material and equipment subject to the provisions of this Act, which may contribute to the designing, development, production, stockpiling, maintenance, or use of nuclear and biological weapons and their delivery systems. • Anti Terrorism Act 1997 **6.Terrorism**. (1) In this Act, "terrorism" means the use or threat of action where (3) The use or threat of use of any action falling within sub-section(2) which involves the use of firearms, explosives or any weapon, is terrorism, whether or not sub-section 1(c) is satisfied. (6) A person who commits an offence under this section or any other provision of this Act, shall be guilty of an act of terrorism.	X	**Section 7 read with 6(3)(4)(5)(6)** **7Punishment** for acts of terrorism. Whoever commits an act of terrorism under section 6, whereby - (h) the act of terrorism committed under clause (h) to (n) of sub-section (2) of section 6, shall be punishable, on conviction, to imprisonment of not less than one year and not more than ten years and with fine, and (i) any other act of terrorism not falling under clauses (a) to (h) above or under any other provision of this Act, shall be punishable, on conviction, to imprisonment of not les than six months and not less than five years or with fine or with both.	Page 4 and 5 of the report. The provision of various laws have option of "catch all offences " which include Anti Terrorism Act 1997

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			• The Pakistan Arms Ordinance 1965		**Section 5, 8 read with 13** **5.Power to prohibit transport** — Government may, from time to time, by notification in the official Gazette, regulate or prohibit the transport of any description of arms, ammunition or military stores over the whole of the Province or any part thereof either altogether or except under a licence and to the extent and in the manner permitted by such licence .Explanation — Arms, ammunition or military stores transshipped at a port in the Province within the meaning of this section **7.Prohibition of going armed without licence.**—(1) No persons shall go armed with any arms except under and to the extend and in the manner permitted thereby (2) Any person so going armed without a licence or in contravention of its provisions may be disarmed by any Magistrate, Police Officer or other person empowered by the Government in this behalf-------. **13.Penalty for breach of Section 4, 5, 8, 11.** Subject to Section 13-A whoever commits any of the following offence namely d. sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores, or undertakes --------. e. ------ f. Transport any arms, ammunition or military stores in contravention of a regulation or prohibition issued under section 5-----(d)--(e)--(f)--(i)--(g)--(h) Shall be punished with imprisonment for a term which may extend to seven years or with fine, or with both: Provided that the punishment for an offence committed in respect of any, a)Cannon, grenades, bomb or rocket, -----Shall be imprisonment for a term which may not be less than three years.-----	

Intangible transfers	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, of 2004 **Section 2 (l)(i)** Any document or information that is in public domain or is related to basic scientific research ------- **Section 4(4) ibid** • Pakistan Nuclear Regulatory Authority Ordinance 2001 **Section 51 and 52** 51. Declaration of fidelity and secrecy ___ the chairman, every member, advisor, consultant, officer or any other employee of the Authority shall, before entering upon his duties, shall make declaration of fidelity and secrecy as may be prescribed by the rules. 52. Chairman, members, etc., to public servants. __ The Chairman, members, officers and employees of the authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860) • Officials Secrets Act 1923 **Section 5 ibid** • Pakistan Atomic Energy Commission Ordinance 1965, Rule 18	X	**Section 8 ibid**	

		• The Defence of Pakistan Ordinance 1965 **Section 3(2)(xxv)** prohibiting or regulating the possession, use or disposal of— (a)explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunitions of war (b)vessels, (c)wireless telegraphic apparatus, or any other apparatus capable of transmitting messages (d)aircraft, and • (e)photographic and signaling apparatus and any means of recording information			
Transit control	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, of 23 September 2004 **Section 4 ibid** • Custom Act 1969 **Section 129** Transit of goods across Pakistan to a foreign territory -- Where any goods are entered for transit across Pakistan to a destination outside Pakistan, the appropriate officer may, subject to the provisions of the rules, allow the goods to be so transited without payment of the duties which would otherwise be chargeable on such goods. Provided that the Federal Government may, by notification in the official Gazette, prohibit the bringing into Pakistan by sea, land or air in transit to a foreign territory any goods or class of goods.			Page 4 of the report

Trans-shipment control	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, of 23 September 2004 **Section 4 ibid** • The Pakistan Arms Ordinance 1965 **Section 5** **Power to prohibit transport** — Government may, from time to time, by notification in the official Gazette, regulate or prohibit the transport of any description of arms, ammunition or military stores over the whole of the Province or any part thereof either altogether or except under a licence and to the extent and in the manner permitted by such licence explanation — Arms, ammunition or military stores transshipped at a port in the Province within the meaning of this section. • Custom Notification SRO 7(I)/2001 **Rule 333** Goods not permitted for transshipment — The following goods shall not be allowed transshipment to up-country customs port or stations– a. ---------- b. ---------- c. ---------- d. explosive, as defined in the Explosive Act, 1884 e. arms and ammunition ----------			Page 4 of the report.

Re-export control	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act of 23 September 2004 **Section 4 ibid** • Custom Notification SRO 7(I)/2001 **Rule 253 & 357** 253 Re-export of imported inputs goods.—(1) The licensee may be allowed to re-export input goods imported for manufacture of export goods under these rules in their original and unprocessed form within three years of their import subject to the limitations and restrictions of Import Policy Order and Export Trade Control Order for the time being in force. 357Re-export of ware-housed goods (1) The Licensee of a warehouse may be allowed by the officer not below the rank of an Additional Collector of Customs to re-export the warehouse goods in their original and unprocessed form within three years of their import subject to the conditions, limitations and restrictions of the Acts, Import Policy Order and Export Trade Control Order for the time being in force.			Page 4 of the report

Control of providing funds	X	• Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, of 23 September 2004 • The Pakistan Penal Code 1860	X	Section 8(2) Section 213 & 214 **Taking gift, etc., to screen an offender from punishment**: Whoever accept or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bring him to legal punishment: **if a capital offence**: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; **if punishable with imprisonment for life, or with imprisonment**: and if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both. **Offering gift or restoration of property in consideration of screening offender**: Whoever gives or causes or offers or agrees to give or cause any gratification to any person, or to restore or cause to restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person form legal punishment for any offence, or his not proceeding against any person for the purpose of bringing him to legal punishment; **if the a capital offence**: shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine;	

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				if punishable with imprisonment for life or with imprisonment : and the offence is punishable with imprisonment for life, or with imprisonment which may extend to three years, shall be punished with imprisonment of either description for a term may extend to three years, and shall also be liable to fine, and if the offence is punishable with imprisonment not extending to ten years, shall be punishable with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with or with both.	
		• The Anti terrorism Act 1997 **11-J Funding Arrangements**.—A person commits an offence if he- (a)enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and (b)has reasonable cause to suspect that it will or may be used for the purposes of terrorism.		**11-N Punishment under section 11-H to 11-K**---------shall be punishable on conviction with imprisonment for a term not less than six months and not exceeding five years and with fine.	
		• The Explosive Substances Act 1908		**6.Punishment of abettors**: Any person who by the supply of or solicitation for money, the providing of premises, the supply of material, or in any manner whatsoever, procures counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.	

Control of providing transport services	X	• Export Control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery system Act 2004 **Section 4(4) read with 8 ibid** • National Highway Safety Ordinance 1997 **Section 65 (f)(h)(i)** Establishment of a police for National Highway (f)under take initial action in respect of offences committed on National Highways and then transfer the cases to the concerned Police Station for Investigation. (h)to keep Highways clear from any encroachment and keep a look out for suspicious persons and criminals. (i)take into possession any abandoned property for its disposal under the law • Railway Act 1890 **Section 59 (1)** No person shall be entitled to take with him, or to require a railway administration to carry, any dangerous or offensive goods upon a railway			Offender can be prosecuted under abetment provision as well.
Control of importation	X	• Import Policy Order 2004 • The Explosives Rule 1940 **Chapter III Part III** **Importation by Land.** No explosive shall be imported by land save with the previous sanction in each case of the Central Government and under such conditions and restriction as it may impose.			Page 3 of the report.

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Extraterritorial applicability	X	• Pakistan Penal Code 1860 **Section 4 read with 108 A** **4.Extension of Code of extra-territorial offences**. The provisions of this Code apply also to any offence committed by—(1) any citizen of Pakistan or any person in the service of Pakistan in any place without and beyond Pakistan (2) and (3) omitted (4) any person on any ship or aircraft registered in Pakistan wherever may be Explanation — In this section the word "offence" includes every act committed outside Pakistan which, if committed in Pakistan would be punishable under this Code	X	**108A.Abetment in Pakistan, of offences outside it.** A person abets an offence within the meaning of this Code who, in Pakistan, abets the commission of any act without and beyond Pakistan which would constitute an offence committed in Pakistan	Page 4 of the report
Other					

OP 6, 7 and 8 (d) – Control lists, Assistance, Information

State Pakistan
Date of Report 27 October 2004

Can information be provided on the following issues?	Yes		Remarks
Control lists – items (goods/equipment/materials/technology)	X	1. CWC Schedule I, II and III chemicals 2. Control list of goods and technologies subject to licensing under the Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004	Page 8 of the report
Control lists – other	X	Being developed	
Assistance offered	X	Pakistan is in a position to provide assistance in response to requests which should be sent through the Permanent Mission of Pakistan to the United Nations	Page 9 of the report
Assistance requested			
Assistance in place (bilateral/plurilateral/multilateral)	X	U S bilateral assistance under EXBS arrangement	
Information for industry	X	Government maintains close working relationship with industry, particularly with chemical industry and with chambers of commerce	Page 10 of the report
Information for the public			

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